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2026:DHC:9918

- **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on : 15th October 2026.
Pronounced on : 06th November 2026.
Uploaded on : 06th November 2026.

CNR No. DLHC010377562025

\+ MAC.APP. 377/2025 & CM APPL. 36363/2025, CM APPL. 58510-58511/2025.

ICICI LOMBARD GENERAL INSURANCE CO. LTD.
.....Appellant

Through: Mr. Ved Vyas Tripathi, Advocate (*through VC*)

versus

PARTH SAREEN
.....Respondent

Through: Mr. Dhananjay Gupta, Mr. Parth Bajaj and Mr. Kapil Bajaj, Advs.

CNR No. DLHC010443672026

\+ MAC.APP. 614/2026

PARTH SAREEN
.....Appellant

Through: Mr. Dhananjay Gupta, Mr. Parth Bajaj and Mr. Kapil Bajaj, Advs.

versus

ICICI LOMBARD GENERAL INSURANCE CO LTD
.....Respondent

Through: Mr. Ved Vyas Tripathi, Advocate (*through VC*)

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

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ANISH DAYAL, J.

1. These cross appeals have been filed assailing the impugned award

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dated 17th March 2025 passed by Motor Accident Claims Tribunal ['***MACT***'], Tiz Hazari Courts, Delhi, in MACT no. 294/2024 whereby compensation of *Rs. 1,30,53,544/-,* along with interest @ 6% per annum, has been awarded in relation to injuries sustained by *Mr. Parth Sareen* ('***claimant***'). *MAC.APP. 377/2025* has been filed by the Insurance Company seeking reduction in the compensation awarded and *MAC.APP. 614/2026* has been filed by the claimant seeking enhancement.

2. *Mr. Ved Vyas Tripathi*, Counsel, addressed arguments on behalf of Insurance Company and *Mr. Dhananjay Gupta*, Counsel presented arguments on behalf of the claimant.

The Accident

3. The accident occurred on 30th January 2024 at about 3:45 AM near Shadipur Flyover, towards Moti Nagar, Delhi. The accident was caused by *Mahindra Bolero* bearing registration. no. DL-1LD-8329 ('***offending vehicle***') driven by *Anoop Kumar* ('***driver***') and owned by *Sanjay Kumar* ('***owner***') and was insured with *ICICI Lombard General Insurance Co. Ltd.* ('***Insurance Company***').

4. The accident occurred between a *Honda City Car* and the offending vehicle. The claimant was one of the occupants travelling in the *Honda City Car* along with *Mansi*, *Harshul Arora* and *Sameer*. *Sameer* was declared as *brought dead* at the hospital, whereas, the others had sustained serious injuries and were not considered fit for statement.

Impugned Award

5. Considering that the injured was in a vegetative state and was completely bedridden, MACT considered functional disability at *100%.* Medical expenses were claimed at *Rs.30,00,000/-* and a tabulation of the

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medical bills was provided in *paragraph no.14* of the impugned award totalling up to *Rs.1,73,594/-*, which had been awarded.

6. While determining loss of income, MACT considered the salary of the claimant from his previous job at Rs.66,873/-, where he had been working from 18th April 2022 till 30th January 2023. Later, he had joined another company and was earning Rs.30,271/- per month, where he had been working till 31st March 2023. Therefore, the MACT considered Rs.30,271/- to be his monthly income, however, since he had not been working at the time of the accident, no compensation was awarded towards loss of income.

7. Rs.5,00,000/- each was awarded towards *pain and suffering* and *mental shock*. Rs.1,00,000/- was awarded for *special diet* and *conveyance charges*. Rs.5,00,000/- was awarded towards *loss of amenities* and an additional Rs.5,00,000/- towards loss *of marriage prospects* As regards *attendant charges*, a claim of Rs.13,84,000/- had been made on the basis that one attendant and one nurse was required to take care of the claimant and taking into account the relevant testimonies, MACT awarded Rs.10,26,000/- (Rs.6,36,000/- towards *nursing* charges and Rs.3,90,000/- towards *attendant* charges).

8. A lumpsum amount of Rs.5,00,000/- was awarded towards loss of earning, inconvenience, hardship and unhappiness in future life. Rs.91,53,950/- was awarded towards loss of future income/earning, considering that the claimant was 21 years of age on the date of accident, and a multiplier of '18' along with future prospects at 40% had been taken.

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Submissions on behalf of parties

9. *Mr. Ved Vyas Tripathi*, counsel for Insurance Company, argued that since the claimant was not in employment on the date of accident, notional income ought to have been taken at minimum wages. Claimant's last drawn income at Rs.30,271/- was from a job, where he had been working 9 months prior to the accident. Besides this, it was argued that compensation awarded under non-pecuniary heads was exaggerated. Further, even if his income was considered at Rs.30,271/-, a reduction of Rs.400/- should have been made towards Mediclaim.

10. Challenge has also been made to the compensation awarded under the head of non-pecuniary loss.

11. On the other hand, *Mr. Dhananjay Gupta*, counsel for claimant, argued that MACT has rightly taken the last drawn salary since it reflects the complete salary. In his claim for enhancement, *Mr. Gupta*, stated that since the claimant is in a vegetative state, *nursing and attendant* charges should be enhanced, since they have only been awarded for 10 months and are consistent and continued expenses. Further, no amount was awarded towards *physiotherapy* charges, which is also a consistent and recurring expense. Claim has also been towards future medical expenses, since the claimant is in a vegetative state and still requires medical supervision, regular visits of doctors and medical checkups. Lastly, enhancement of interest at 7% has also been sought.

12. *Mr. Gupta*, counsel for claimant, placed reliance on the decision of Supreme Court in ***Karuna Parmar v. Prakash Sinha***, 2025:INSC:1244 whereby, the Court had considered the income that the claimant had been earning 2 years prior to the accident and stated that even though the

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claimant had not been working at the time of the accident, however, an estimation as regards the potential income was taken.

13. As regards compensation awarded under various heads, reliance was placed upon the decision of Coordinate Bench of this Court in ***Bishan Singh v. Chinki and Others***, 2025:DHC:5099, where in a case of 100% permanent disability for the claimant who had been in coma, compensation was awarded towards attendant charges for 2 attendants at minimum wages of a skilled worker, till the date of the demise, since the claimant had subsequently passed away.

Analysis

14. It is a matter of record that the claimant, who was 21 years of age on the date of accident went into a vegetative state due to the accident. The claim was pursued by his mother/*Malini Sareen* as his next friend and guardian. After the accident, the claimant was taken to Acharyashree Bhikshu Government Hospital, Delhi where MLC No. 378/2024 (***Ex. PW5/2***) was prepared. He was then referred to a higher centre and taken to BLK Hospital, Delhi where he remained admitted till 29th May 2024. He was admitted there on multiple occasions in June, August, October and December 2024 and the discharge summaries were exhibited as *Ex.PW5/3 (colly)*. He suffered traumatic brain injury and had undergone various procedures and treatment. BLK Hospital had advised that an intensive care unit ('***ICU***') must be set up in his house for continued care. It was stated by his mother/*Malini Sareen* that an ICU was established with the assistance of nursing personnel and attendant and certain medical equipment had been taken for his sustenance.

15. *Mr. Gupta*, argued that initially, nursing services were availed

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through *Aditya Singh Chauhan* who had arranged two nurses for 12 hours each, one physiotherapist and a doctor in case of emergency. However, since his services were proving to be expensive, *Lokendra Kumar alias Lokesh Kumar* was engaged at Rs. 2,000/- per day, exclusive of fooding and lodging. Subsequently, an attendant *Vivek Kaushal alias Vivek Kumar* was engaged for 24 hours at Rs.1,300/- per day for his services, in addition to food and lodging. Other expenses for hiring an ambulance to take the claimant to the hospital for check-ups, as also additional expenses for special diet were claimed to have been incurred. Further expenses were claimed on account of disposable material, rent of machines and maintenance of the claimant.

16. In her affidavit of evidence, claimant's mother/*Ms. Malini Sareen* stated that she had spent more than Rs.50,00,000/- on her son's treatment and the amount was expected to increase in future. She further stated that the claimant had been working in SITEL India Private Limited from 18th August 2022 to 30th January 2023 where he had been earning Rs. 60,000/- to Rs.70,000/- per month and later in Teleperformance Global Business Private Limited from 01st March 2023 to 31st March 2023 earning about Rs.70,000/- to Rs.80,000/- per month. She stated that her son used to take care of all the financial expenses of the family and since he wanted to earn more, he had left the job and was preparing for UPSC Examinations. She stated that due to his vegetative state, family members have to continuously remain with him and had therefore, sought the value of gratuitous services.

17. In the above context, the claims put forth by *Mr. Gupta*, counsel for claimant, have to be considered under various heads. There is no dispute

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that the claimant is in a vegetative state and therefore, his functional disability has rightly been considered at 100%.

Income

18. MACT has taken notional income at Rs.30,271/- per month, which was the salary last drawn by the claimant. Since he was not working at the time of accident, no compensation was awarded towards loss of income, however, compensation was awarded for future loss of income by applying the multiplier of 18 and future prospects at 40%.

19. This determination cannot be faulted with considering that there was no specific employment at the time of accident and further, that the claimant was effectively in a vegetative state during the course of his treatment post the accident and has not recovered since then. Therefore, loss of future income was taken on the basis of his take home income which he had been earning as of 31st March 2023, *i.e.* nine months prior to the accident. Considering that there is no evidence that he was earning a higher income in these nine months, the MACT has rightly considered his notional income on the basis of his last earned income.

20. As regards the deduction towards Mediclaim, this issue is well settled by the decision of Supreme Court in ***New India Assurance Co. Ltd. v. Dolly Satish Gandhi***, 2026 SCC OnLine SC 861. The Court clarified the position on law and stated that there is not double benefit received by the claimant, since the benefit received under Mediclaim arises out of a contractual benefit of reimbursement of medical expenses, which is independent of the statutory benefit which flows from the Motor Vehicles Act. 1988 ('***MV Act***'). The amount received under MV Act is guided by the principes of just compensation and arises out of a beneficial

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legislation, therefore, the statutory entitlement stands on a higher pedestal and cannot be equated with amount received under Mediclaim. Accordingly, the submission made by *Mr. Tripathi* is rejected and the Court is not inclined to deduct Rs. 400/- towards Mediclaim, as provided in the salary slip.

Nursing and attendant charges

21. MACT awarded nursing and attendant charges at Rs.10,26,000/- only for 10 months. It cannot be denied that the claimant requires continuous nursing care, as well as, an attendant for taking care of his medical needs. In this regard, the discharge summary exhibited at *Ex. PW5/3*, which was issued by BLK Max Hospital on 29th May 2024 after 5 months of admission on 30th January 2024, has been perused by the Court.

22. The discharge summary noted his condition on discharge as that he was "*on tracheostomy, spastic quadriparesis present, ambulant on wheelchair, hemodynamically stable, on ryles tube feeds, on foley urinary catheter, on tracheostomy tube and ulcer over feet healing*." For his special needs it was stated that he required a high protein diet, appropriate nursing care and physiotherapy at home, Ryles tube feed, back care, bed care, leg care, chest and limb physiotherapy, wheelchair, 2 hourly change in position, regular suctioning of tracheostomy tube. He was also given follow up advice by Neurosurgery Out Patient Department ('***OPD***').

23. The second discharge summary issued by the BLK Max with admission on 13th October 2024 and discharge on 17th October 2024 as a follow-up case, noted a similar set of requirements, including appropriate nursing care and physiotherapy.

24. The third discharge summary also issued by BLK Max with

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admission on 06th December 2024 and discharge on 17th December 2024, as a follow-up case with similar set of requirements yet again reiterated that appropriate nursing care and physiotherapy at home was required. Other discharge summaries issued in June 2024 and August 2024 detailing the condition of claimant have also been perused by the Court.

25. Testimony of *Dr. Atul Dua*, Department of Neurosurgery, BLK Max ('***PW5***') was also brought to attention. He stated that as per the hospital record, the patient required appropriate nursing care, attendant and physiotherapy at home. *PW5* was not cross-examined by the Insurance Company.

26. Mother of injured/*Ms. Malini Sareen* deposed as *PW5* and was not cross-examined on the material aspects of nursing care, attendant, and physiotherapy.

27. In order to determine this issue, it would be apposite to consider decisions of Supreme Court and this Court which have dealt with cases involving 100% functional disability.

28. The principle which has been repeatedly stated by the courts and reiterated can be found in a recent judgment of the Supreme Court in ***Sunil Kumar v. IFFCO Tokio General Insurance Company Limited*** 2026:INSC:1145. One of the claimants in this case was 43 years old at the date of the accident and had been engaged in the trading of bakery items. The claimant had suffered severe head injury, open diffuse axonal injury and midbrain contusion with Weber's syndrome and left knee penetrating injury. Relying upon his disability certificate, the Tribunal and High Court considered his functional disability at 75.5%. On appeal, the Supreme Court enhanced his functional disability to 100% by stating that "*one who*

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remains dependent on another and requires an attendant throughout his life can be said to be suffering from 100% functional disability". Reliance was *inter alia* placed upon ***Shankar Dutt v. United India Insurance Company Limited & Others***, 2026 SCC OnLine SC 1193, ***Jithendran v. New India Assurance Company Ltd. & Another*** (2022) 15 SCC 620 and ***Reliance General Insurance Co. Ltd. v. Priyanka Das & Others*** 2026 SCC Online SC 1760.

29. While assessing compensation under the head of attendant charges, the Court relied upon its previous judgment in ***Kajal v. Jagdish Chand & Others*** (2020) 4 SCC 413 for arriving at a just and reasonable amount towards attendant charges where the person becomes disabled for almost a lifetime. The Court also drew reference from the decision in ***Gobald Motor Service Ltd. v. R.M.K. Veluswami*** AIR 1962 SC 1 to factor in the multiplier system.

30. The Court therefore adopted the multiplier method to award compensation towards attendant charges. As regards compensation towards future medical expenses, transportation expenses, clothes and articles and extra nourishment, the Supreme Court upheld the finding of High Court.

31. It would be instructive to take note of the decision in ***Kajal*** (*supra)* which was a case involving injuries sustained by a minor child, which had rendered her bedridden for life. Her disability was assessed at 100%, noting that she was left with a very low IQ, severe weakness in all four limbs, hysteria and urinary incontinence. In order to award just compensation, while assessing compensation towards attendant charges, the Supreme Court applied the multiplier method, recognizing it to be

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reasonable and realistic method. Relevant paragraphs are extracted as under for ease of reference:

> *"**Attendant charges***
> ***22.** The attendant charges have been awarded by the High Court @ Rs 2500 per month for 44 years, which works out to Rs 13,20,000. Unfortunately, this system is not a proper system. Multiplier system is used to balance out various factors. When compensation is awarded in lump sum, various factors are taken into consideration. When compensation is paid in lump sum, this Court has always followed the multiplier system. The multiplier system should be followed not only for determining the compensation on account of loss of income but also for determining the attendant charges, etc. This system was recognised by this Court in Gobald Motor Service Ltd. v. R.M.K. Veluswami [Gobald Motor Service Ltd. v. R.M.K. Veluswami, AIR 1962 SC 1]. The multiplier system factors in the inflation rate, the rate of interest payable on the lump sum award, the longevity of the claimant, and also other issues such as the uncertainties of life. Out of all the various alternative methods, the multiplier method has been recognised as the most realistic and reasonable method. It ensures better justice between the parties and thus results in award of "just compensation" within the meaning of the Act.*
> ***23.** It would be apposite at this stage to refer to the observation of Lord Reid in Taylor v. O'Connor [Taylor v. O'Connor, 1971 AC 115 : (1970) 2 WLR 472 (HL)] : (AC p. 128)*
> > *"Damages to make good the loss of dependency over a period of years must be awarded as a lump sum and that sum is generally calculated by applying a multiplier to the amount of one year's dependency. That is a perfectly good method in the ordinary case but it conceals the fact that there are two quite separate matters involved —*

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the present value of the series of future payments, and the discounting of that present value to allow for the fact that for one reason or another the person receiving the damages might never have enjoyed the whole of the benefit of the dependency. It is quite unnecessary in the ordinary case to deal with these matters separately. Judges and counsel have a wealth of experience which is an adequate guide to the selection of the multiplier and any expert evidence is rightly discouraged. But in a case where the facts are special I think that these matters must have separate consideration if even rough justice is to be done and expert evidence may be valuable or even almost essential. The special factor in the present case is the incidence of income tax and, it may be, surtax."

24. *This Court has reaffirmed the multiplier method in various cases like MCD v. Subhagwanti [MCD v. Subhagwanti, AIR 1966 SC 1750], U.P. SRTC v. Trilok Chandra [U.P. SRTC v. Trilok Chandra, (1996) 4 SCC 362], Sandeep Khanuja v. Atul Dande [Sandeep Khanuja v. Atul Dande, (2017) 3 SCC 351]. This Court has also recognised that Schedule II of the Act can be used as a guide for the multiplier to be applied in each case. Keeping the claimant's age in mind, the multiplier in this case should be 18 as opposed to 44 taken by the High Court.*

25. *Having held so, we are clearly of the view that the basic amount taken for determining the attendant charges is very much on the lower side. We must remember that this little girl is severely suffering from incontinence, meaning that she does not have control over her bodily functions like passing urine and faeces. As she grows older, she will not be able to handle her periods. She requires an attendant virtually 24 hours a day. She requires an attendant who though may not be medically trained but must be*

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> *capable of handling a child who is bedridden. She would require an attendant who would ensure that she does not suffer from bedsores. The claimant has placed before us a notification of the State of Haryana of the year 2010, wherein the wages for skilled labourer is Rs 4846 per month. We, therefore, assess the cost of one attendant at Rs 5000 and she will require two attendants which works out to Rs 10,000 per month, which comes to Rs 1,20,000 p.a., and using the multiplier of 18, it works out to Rs 21,60,000 for the attendant charges for her entire life. This takes care of all the pecuniary damages*."
>
> (emphasis added)

32. ***Kajal*** (*supra*) was relied upon by the Supreme Court in ***Jithendran*** (*supra*) where the claimant had suffered severe impairment of cognitive power with hemiparesis and total aphasia and prognosis. The Supreme Court had assessed functional disability at 100%. As regards attendant charges, the Court applied the multiplier method. Noting the continuous nature of treatment, even after initial days, compensation towards future medical expenses was also enhanced. Relevant findings of the Court are extracted as under:

> *"**8.** As earlier noted, the appellant has suffered 69% permanent disability and without assistance, cannot perform everyday functions. The claimant with seriously impaired cognitive and physical capabilities would surely need full-time assistance even for the confined life that he is leading. In such circumstances, the disabled claimant cannot be expected to rely only upon gratuitous services of his well-wishers and family members. Importantly, the presiding Judge in the Tribunal himself noticed that the claimant would require the assistance of a bystander/attendant for all his movements. Consequently, bearing in mind the need for assisted living and what was said in Kajal v. Jagdish Chand, it is found necessary to add*

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the expenses for service of an attendant for the claimant. Since no material is produced to quantify the expenses for the attendant, making a conservative estimate, Rs 5000 per month appears to be the bare minimum. It is therefore deemed appropriate to quantify the annual expenses at Rs 60,000 and applying the multiplier of 18, the additional compensation payable under the bystander head is quantified at Rs 10,80,000.

9. *The appellant has produced adequate medical documents before the High Court to show the recurring needs for testing, treatment and further hospitalisation for which, considerable expenses were incurred even after the initial 191 days of hospitalisation. As a person suffering severe cognitive impairment and 69% disability, recurring medical treatment is inevitable and bearing in mind the additional expenses already incurred, we deem it appropriate to enhance the future medical expenses to Rs 3,00,000 (from Rs 1,00,000), since the sum quantified by the High Court appears to be on the lower side.*

10. *While the permanent disability as certified by the doctors stands at 69%, the same by no means, adequately reflects the travails the impaired claimant will have to face all his life. The 21 year old's youthful dreams and future hopes were snuffed out by the serious accident. The young man's impaired condition has certainly impacted his family members. Their resources and strength are bound to be stressed by the need to provide full time care to the claimant. For the appellant to constantly rely on them for stimulation and support is destined to cause emotional, physical and financial fatigue for all the stakeholders.*

(emphasis added)

33. In ***Abhimanyu Pratap Singh v. Nanita Sekhon***, (2022) 8 SCC 489, the Supreme Court observed that the claimant would require diapers with

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at least 2 attendants within 24 hours. The Court also acknowledged that compensation under the head of physiotherapy and expenses for use of diapers would be required. Relevant findings of the Court are extracted as under:

> *"**23.** In the head of medical expenses, the MACT or the High Court has not awarded any compensation presumably because the mother of the claimant, who was minor at the time of accident, may have claimed the amount of medical expenses being an IAS officer. But now the claimant has become major, and looking to the nature of injuries, future medical expenses that includes the attendant charges, use of diapers due to loss of urination senses is required to be calculated including future medical expenses. The Tribunal awarded Rs 1,92,000 in the head of attendant charges @ Rs 1000 p.m. While the High Court proceeded on the premises that the rate of the attendant charges is variable after every five years, however, the Court calculated the amount @ Rs 2000 thereafter @ Rs 4000 p.m. for a period of 20 years and accordingly determined Rs 9,00,000 making enhancement of Rs 7,08,000 in the said head. As discussed, if we apply the multiplier method and in view of the judgment of Kajal [Kajal v. Jagdish Chand, (2020) 4 SCC 413 : (2020) 3 SCC (Civ) 27 : (2020) 2 SCC (Cri) 577] , we accept the rate of attendant charges at Rs 5000 p.m. for 12 hours, looking to the nature of injuries and disability the claimant is required two attendants at least within 24 hours then the expenses in the head of attendant charges comes to Rs 10,000 p.m. If we apply the multiplier of 18, the amount comes to Rs 21,60,000.*
>
> ***24.** Similarly for medical expenses in the head of physiotherapy required to the claimant, the Tribunal awarded Rs 2,88,000 @ Rs 50 per day. The High Court granted lump sum amount of Rs 8,00,000 including the expenses for diapers. In our considered*

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> *opinion, the said amount is not adequate. In these days the physiotherapist would charge at least Rs 150 per day to treat the patient for one hour which monthly comes to Rs 4500 and annually Rs 54,000; applying the multiplier of 18, the amount in the head of physiotherapy charges comes to Rs 9,72,000. For the purpose of use of diapers, regular medical check-up and medical expenses if we further add Rs 2,00,000 then in the head of future medical expenses the amount comes to Rs 11,72,000."*
>
> (emphasis added)

34. These decisions have also been taken into account by this Court while considering a plea for enhancement of compensation in ***Siyaram Singh v. Reliance General Insurance Company Limited*** 2026:DHC:6581, where compensation was enhanced on account of attendant charges, special diet, diapers and hygiene expenses, physiotherapy, conveyance charges, pain and suffering, loss of amenities of life and disfigurement.

35. It is quite clear that the situation which the family finds themselves in, are extremely pressing considering that a young member of the family has been relegated to a life of being disabled and almost in a vegetative state. However, they need to take care of his own dignity of life and proper continued medical treatment, maintenance and full-time care, which undoubtedly causes emotional, physical and financial fatigue for the family.

36. Taking into account the medical expenses incurred by claimant on *nursing* and *attendant*, the Court is inclined to grant the expenses incurred towards one *attendant* and one *nurse* under the head of attendant charges. As regards the regular attendant required for the claimant, minimum wages of a skilled worker prevalent at the time of accident at Rs.21,917/-

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per month which will be considered with a multiplier of 18. This amount is being awarded in line with applicable principles as discussed by the Supreme Court in the above-mentioned decisions. Accordingly, *Rs. 47,34,072/- (Rs.21,917/- x 12 x 18)* will be awarded towards regular attendant.

37. As far as expenses towards nursing charges is concerned, though, the parameter can be taken as minimum wages of a skilled worker, however, it is noted that nursing requires a higher amount of skill and qualification and considering that, as per the discharge summaries noted above, the claimant requires change of position, tracheostomy tube, feeding through a Ryles tube and would require medical management aside from a regular attendant. Accordingly, expenses towards nursing attendant are awarded at Rs.30,000/- per month with a multiplier of 18. Therefore, *Rs. 64,80,000/-(Rs. 30,000 x 12x 18)* will be awarded under the head of attendant charges towards nursing attendant.

Future Medical Expenses

38. As regards future medical expenses, no amount has been awarded by the MACT under this head which is not a correct assessment of the situation that the claimant finds himself in, due to the accident, with his family having to take care of his recurring expenses, including, having undergone a surgery for removal of calcium from joints.

39. After the passing of impugned award, the claimant's family claims to have spent Rs.4,11,095/- till July 2026, *i.e.* for a period of about 16 months since the passing of the impugned award, which would amount to Rs.25,694/- per month. Besides it has been stated that the claimant has incurred expenses due to the disposable items, including, diapers, bed

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sheets, gloves, wipes, etc at about Rs.14,90,400/- for 16 months till July 2026, since the passing of the impugned award, which would amount to Rs. 93,150/- per month. *Mr. Gupta* submits that the average expense which has been incurred by the claimant is stated to be *Rs.50,000/-* per month on various expenses and by applying a multiplier of 18, *Rs.1,08,00,000/-* has been claimed.

40. Numerous bills have been produced on record in respect of the expenditure incurred towards treatment and care of the claimant following the passing of impugned award. The claimant continues to remain in a vegetative state. However, it is pertinent to note that the bills placed on record before this Court have not been duly proved. Nevertheless, this Court is conscious of the plight of the claimant, who remains in a vegetative state, as well as the hardships faced by the family members in providing for the claimant's continued treatment and care.

41. It is a settled principle of law that compensation under MV Act, cannot be awarded on pittance. It is the duty of the Court to award just and reasonable compensation. In cases where the injured claimant remains in a vegetative state, quantification of compensation necessarily requires the Court to make a reasonable estimation, having regard to the attendant circumstances and practical realities, as the actual and future expenses cannot always be precisely ascertained or awarded on the basis of proved expenditure alone. Accordingly, the compensation awarded herein has been assessed by applying the multiplier method, with a view to ensuring a degree of standardisation in the assessment of compensation while striving to arrive at an amount that is just, reasonable and adequate in the facts and circumstances of the present case.

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42. Considering that it is very difficult to estimate as to the amount which would be required for medical expenses towards the future expenses, the estimation of Rs.50,000/- per month towards all medical expenses is considered as justified with a multiplier of 18. Accordingly, *Rs.1,08,00,000/-* is awarded towards future medical expenses.

Physiotherapy charges

43. As regards physiotherapy charges, certain medical documents have been filed, along with *CM APP. 54479/2026.* Moreover, physiotherapy bills were filed before the MACT, which have been exhibited as *Ex.PW3/3* and *Ex.PW3/4* amounting to Rs.60,000/- and Rs. 62,000/- respectively. Physiotherapy was being taken from different persons at different times for the last few months, and physiotherapy charges were claimed at the rate of about 900/- per session, which comes up to Rs.27,000/- per month.

44. Since the claimant would be requiring physiotherapy for the entirety of his life, the multiplier system ought to be adopted. Taking into account physiotherapy at about Rs.30,000/- per month (Rs.1,000 per day/-) with multiplier of 18, will be awarded. Accordingly, *Rs. 64,80,000/- (30,000 x 12 x18)* will be awarded towards physiotherapy charges.

Interest

45. As regards the rate of interest, reliance in this regard may be placed upon the judgment of the Supreme Court in ***Kaushnuma Begum (Smt.) & Ors. v. New India Assurance Co. Ltd. & Ors.***, (2001) 2 SCC 9 wherein, while interpreting the powers of the Tribunal under Section 171 of the Motor Vehicles Act, 1988 to award simple interest on compensation from the date of institution of the claim petition, it was observed that the rate of interest awarded by nationalised banks on fixed deposits ought to serve as

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the guiding factor while determining the rate of interest payable on compensation amounts.

46. Considering that the rate of interest in 2024 was in the range of *6.50-7%* the interest rate shall be considered at *7%* instead of *6%* as awarded by the MACT.

47. As regards the assertions by the Insurance Company seeking reduction of compensation awarded towards non-pecuniary loss, considering the facts and circumstances and condition of the injured, the plea of the Insurance Company is rejected.

48. Accordingly, the revised computation is as under:

S. no.	Heads	Awarded by the Tribunal	Awarded by this Court
	PECUNIARY LOSS		
1.	Expenditure on Medical Bills and medical treatment (A)	Rs. 1,73,594/-	Rs. 1,73,594/-
2.	Expenditure on conveyance (B)	Rs.1,00,000/-	Rs.1,00,000/-
3.	Expenditure on special diet (C)	Rs.1,00,000/-	Rs. 1,00,000/-
4.	Attendant Charges (D) [Nurse Attendant + Regular Attendant]	Rs. 10,26,000/- *Regular Attendant: Rs, 3,90,000/- Nursing Attendant: Rs.6,36,000/-*	Nurse Attendant: Rs. 30,000 x 12x 18= **Rs. 64,80,000/-** Regular Attendant= Rs. 21,917 x 12 x 18= **Rs. 47,34,072/-** Total= 1,12,14,072/-
5.	Income of injured per month(E)	Rs. 30,271/-	Rs. 30,271/-
6.	Annual Income (E x 12=F)	Rs. 3,63,252/-	Rs. 3,63,252/-
7.	Add: Future prospects (G)	40%	40%
8.	Multiplier (H)	18	18
9.	Functional disability (I)	100%	100%
10.	Loss of future	Rs. 91,53,950/-	Rs. 91,53,950/-

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	income/future earnings [(F+G) x H x I] = (J)		
11.	Physiotherapy Charges (K)	Nil	Rs. 30,000 x 12 x18= **Rs. 64,80,000/-**
12.	Future medical expenses (L)	Nil	Rs. 50,000 x 12 x18= **Rs, 1,08,00,000/-**
NON-PECUNIARY LOSS			
13.	Compensation for loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejectment and unhappiness in future life. (M)	Rs. 5,00,000/-	Rs. 5,00,000/-
14.	Mental & Physical Shock & Pain & Suffering (N)	Rs. 10,00,000/-	Rs. 10,00,000/-
15.	Loss of amenities of life (O)	Rs. 5,00,000/-	Rs. 5,00,000/-
16.	Loss of Marriage Prospects (P)	Rs. 5,00,000/-	Rs. 5,00,000/-
17.	Total compensation (A+B+C+D+J+K+L+M+N +O+P) = (Q)	Rs. 1,30,53,544/-	Rs. 4,05,21,616/-
18.	Interest awarded	6% per annum	7% per annum
19.	Enhanced compensation	**Rs. 2,74,68,072/-**	

49. Accordingly, the compensation is enhanced by *Rs. 2,74,68,072/-* [‘***enhanced amount***’].

50. Enhanced amount along with 7% interest per annum from the date of filing the petition shall be deposited before MACT within a period of six weeks. It is directed that a lump sum amount of *Rs. 25,00,000/-* along with accrued interest shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (***FDRs***) of *Rs.1,00,000/-* each for periods of 1 month, 2

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months, 3 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released along with accrued interest to the Savings Bank Account of claimant upon due verification.

51. This Court *vide* order dated 30th May 2025 directed the Insurance Company to deposit the entire decretal amount within a period of six weeks. Subject to the deposit a stay was directed on the operation of the impugned award. Further, it was directed that *75%* of the deposited compensation along with accrued interest shall be released to claimant in accordance with the scheme set out in the impugned award. Further, this Court *vide* order dated 15th October 2026 directed release of lump sum *Rs.15,00,000/-* to the claimant by liquidating the requisite number of FDRs. The remaining amount from the originally deposited compensation shall continue to be released as per the scheme of the impugned award.

52. Accordingly, the appeals are disposed of in the above terms.

53. Pending applications, if any, are rendered infructuous.

54. Statutory deposit be refunded to the insurance company, only if the order of deposit has been complied with.

55. Copy of this judgment be sent to the concerned MACT and concerned bank.

56. Judgment be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 06, 2026/sm/*zb/sp*