



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

108

FAO-3033-2019 (O&M)  
Date of Decision: 11.11.2025

Karampreet Kaur

....Appellant

V/s

Kulwant Singh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Sanjeev Goyal, Advocate, for the appellant.

Mr. Ram Avtar Singh, Advocate, for  
respondent No.3-Insurance Co.

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**VIKRAM AGGARWAL, J. (ORAL)**

The instant appeal has been preferred by the appellant-claimant (Karampreet Kaur) seeking enhancement of compensation awarded vide Award dated 02.08.2018 passed by the Motor Accident Claims Tribunal, Sangrur (for short 'MACT').

2. The facts, as emanating from the paper book, are that the appellant instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') seeking compensation of Rs.10 lakhs on account of injuries and permanent disability suffered by the appellant in a motor vehicular accident which took place on 30.10.2017.

2.1 The case of the appellant was that on 30.10.2017, she along with her sister was going to Village Faridpur Khurd on her Activa scooter, which was being driven by her at a normal speed. Her sister was the pillion rider. One Jarnail Singh was following them on his motorcycle. At about 10.45 a.m., when they reached near the motor of Balvir Singh, a bus bearing Regn. No.PB-13T-9465 (hereinafter referred to as the "offending vehicle") driven by respondent No.1 (Kulwant Singh) in a rash and negligent manner and at a high speed came from the opposite side and struck into the scooter



of the appellant. Both the occupants fell on the road. The appellant suffered multiple grievous injuries on her person whereas, her sister miraculously escaped. The appellant was taken to Civil Hospital, Malerkotla, from where, she was referred to Dayanand Medical College, Ludhiana (hereinafter referred to as the “DMC”).

2.2 On the statement of Jarnail Singh, FIR No.108, dated 31.10.2017 was lodged at Police Station Sandaur against respondent No.1. It was averred that the accident had taken place on account of the rash and negligent driving of the offending vehicle by respondent No.1.

2.3 It was averred that at the time of the accident, the appellant was 22 years old and was pursuing M.Sc. at GSG Khalsa College, Sadhar Malerkotla. She was doing household work and was also giving tuitions to students up to 10<sup>th</sup> Standard and was earning Rs.15,000/- per month. It was averred that she remained admitted in DMC, Ludhiana from 30.10.2017 to 07.11.2017 and thereafter, took follow up treatment regularly. Accordingly, a sum of Rs.10 lakhs was claimed as compensation.

3. Respondents No.1 and 2 (driver and owner of the offending vehicle) filed a joint written statement. The factum of the accident was denied, though the ownership of the offending vehicle was admitted. It was averred that a false FIR was got registered against respondent No.1. It was also averred that the offending vehicle was insured with respondent No.3 and respondent No.1 was having a valid driving license at the time of the accident.

3.2 Respondent No.3 (United India Insurance Company Ltd.) filed its separate written statement raising usual defences. The factum of the accident was denied. It was denied that the claimant had suffered any



permanent disability. It was also denied that Jarnail Singh was present at the time of the accident.

4. From the pleadings of the parties, following issues were framed:

***“1. Whether claimant Karampreet Kaur daughter of Harkeerat Singh sustained multiple severe injuries in a motor vehicular accident which took place on 30.10.2017 due to rash and negligent driving of vehicle i.e. Bus bearing registration No.PB-13T-9465 which was being driven by respondent No.1 Kulwant Singh?OPP***

***2. Whether the claimant is entitled for compensation as prayed for, if so to what extent and from whom?OPP***

***3. Whether the claim petition is not maintainable in the present form?OPR***

***4. Relief.”***

5. Parties led their respective evidence.

6. On issue No.1, it was held that the accident had been caused on account of the rash and negligent driving of the offending vehicle by respondent No.1.

6.2 On issue No.2, i.e. the quantum of compensation, the MACT awarded the following compensation:-

Compensation on account of loss of income during the period claimant remained injured/indisposed for 20 days	Rs.8000/-
Compensation on account of actual medical bills/expenditure	Rs.1,04,067.65/-
Compensation on account of Misc. heads such a special diet, nourishing, food, transportation etc.	Rs.12,000/- @ Rs.1500/- x 8 days
Compensation on account of future medical expenses.	Rs.10,000/- (cumulatively)
Compensation on account of damages for pain, suffering and trauma as a consequences of injuries	Rs.20,000/- (cumulatively)
Total	Rs.1,54,067.65/-

7. Aggrieved by the grant of inadequate compensation, the present appeal was preferred.



8. I have heard learned counsel for the parties.

9. Learned counsel for the appellant (claimant) submits that the compensation is grossly inadequate. He submits that the marriage prospects of the claimant were grossly diminished as she suffered injuries on her face and scars are still subsisting. He accordingly prays that adequate compensation be granted. In support of his contentions, learned counsel has placed reliance upon the judgments of the Supreme Court of India in the case of *Rekha Jain vs. National Insurance Co. Ltd., 2013 (3) RCR (Civil) 996* and *Mohd. Sabeer @ Shabir Hussain vs. Regional Manager, U.P. State Road Transport Corporation (Civil Appeal Nos.9070-9071 of 2022 arising out of SLP (Civil) Nos.481-482 of 2019, decided on 09.12.2022)*.

10. *Per contra*, learned counsel for the respondents, submits that no permanent disability was suffered by the appellant and that the argument that the marriage prospects of the appellant were diminished on account of permanent scars being on her face, is not supported by any evidence. He submits that under the circumstances, no enhancement in compensation deserves to be granted.

11. I have considered the submissions made by learned counsel for the parties and have also perused the record.

11.1 Since it is an appeal by the claimant and no appeal has been filed by the insurance company, the findings on issue No.1 are affirmed. As regards the quantum of compensation, the appellant Karampreet Kaur duly stepped into the witness box as CW1. She stated that she was earning Rs.15,000/- per month and she had sustained multiple grievous injuries on her head, face and other parts of the body. She deposed that her marriage prospects had been ruined on account of the disfigurement of her face. She



also deposed that she had suffered permanent disability and had also suffered mental pain and suffering. Nothing came in her cross-examination which could have created any doubt in what she had stated.

11.2 CW2 Dr. Rajinder Kumar Mittal, Professor, Department of Plastic Surgery, DMC (H), Ludhiana deposed as under:-

*“I have brought the original record relating to the patient Karampreet Kaur. The patient Karampreet Kaur was admitted in Emergency of D.MC and Hospital on 30.10.2017 with MR No.378613, with the alleged history of road side accident, when she was travelling on two wheeler and had an accident under unknown circumstances.*

*The patient had fracture of the mandible and soft tissue injury of the same. I have seen the discharge summary Ex.C2. I identify the same and as per that very history of the patient the HDBT few hours prior to admission when patient was on a two wheeler and her vehicle got hit and he had a fall. There is no history of LOC/Head injury/Seizures/EN Bleed H/o injuries over face and scalp. The patient taken to local Hospital where first aid was given following which he was brought to DMC and Hospital for further management.*

*The patient presented to DMC & H with above mentioned complaints, after clinical examination he was found to have injuries over face and scalp. Patient underwent ORIF of Mandible with soft tissue repair face. Ortho consultant under Dr. Rajnish Garg was taken after clearance from eye and surgery team and patient underwent ORIF of Mandible with soft tissue repair face under GA on 30.10.2017. In the post op period a ENT consultant under Dr.Sanjeev Puri was taken and orders followed. IN view of defect over Face, plastic surgery consultant was sought under Dr.R.K.Mittal and patient was transferred under plastic surgery team. In the post op period patient was kept under observation, flap was found healthy. There was no post op complications. Patient is now being discharged under stable condition.*

*She was operated upon for fracture mandible and soft tissue repair. She was discharged on 07.11.2017. Usually because of the such kind of injuries as suffered by the patient there is disfigurement of the face. With plastic surgery disfigurement of face etc can be improved. At the time of discharge of the patient she was having soft tissue injury on right eye. Such eye injury can be improved by surgery but can not be fully cured. I have no record with me regarding follow up treatment of the patient from our hospital.”*



11.3 His statement shows that the appellant had suffered grievous injuries in the accident and she is extremely lucky to have survived. However, being a young girl of 22 years of age, she definitely had to go through lot of pain and suffering apart from disfigurement of her face as a result of which, she had to undergo plastic surgery. The doctor clearly stated that with plastic surgery, disfigurement of the face etc. can be improved. This essentially means that the said disfigurement cannot be completely cured. Still further, he deposed that at the time of discharge, she was having a soft tissue injury on the right eye and that the said injury can be improved by surgery but could not be fully cured.

11.4 Her photographs are also available on record as Mark A and Mark B. Though, they were not exhibited meaning thereby, they were not proved in accordance with law, it has to be borne in mind that proceedings before the MACT are summary in nature and strict rules of evidence do not apply. No evidence to the contrary was produced by the respondents. The photographs do show substantial disfigurement of the face. Under the circumstances, it is clear that the compensation awarded is inadequate.

11.5 In the case of ***Baby Sakshi Greola vs. Manzoor Ahmad Simon and another, 2024 SCC Online SC 3692***, the Hon'ble Apex Court was considering the issue of grant of compensation to a 12 years old girl on account of injuries suffered in a motor vehicular accident. Though, the facts in that case were different, the principles of assessment of damages in personal injury cases which were discussed by the Hon'ble Supreme Court of India would remain the same. The Hon'ble Apex Court examined the entire law on assessment of damages in personal injury cases. The said findings would be essential to be reproduced:-



*“13. It was also stated by the mother of the appellant (PW-2), that she wanted to make her daughter a badminton player but all her hopes have now vanished due to the unfortunate accident. It was stated by her that the appellant was a brilliant student and had she not met with the accident, she would have got a job of at least Rs. 25,000-30,000/-per month, but as a result of the accident she has become a dull student.*

*14. It would also be appropriate to refer to the evidence of Dr. Monica Juneja (PW-3), who proved the Disability Certificate dated 10th January 2011. As per the said certificate, the appellant has suffered 75% disability, which is permanent in nature on account of moderate mental retardation. This disability is in relation to the whole body, which is non-progressive. It is stated in the certificate that this is a case of road traffic accident with Subarachnoid Haemorrhage with healed fracture femur left with moderate mental retardation which means she has an Intelligence Quotient of 41 and social Quotient of 43.*

*15. It is recorded in the testimony of Dr. Monica Juneja (PW-3) that, children with moderate mental retardation are generally able to learn skills up to the level of 2nd Standard/Class as adults and can work under close supervision only. Further, the appellant also has severe apathy and has no control over passage of her urine. Because of severe apathy, the appellant has no interest in playing or interacting with other children. The appellant would require very close supervision of an attendant for her day-to-day care. The appellant would also require admission in a special school or training by a special education teacher.*

*16. Dr. Monica Juneja (PW-3) has also stated that, due to all these problems, her marriage prospects may be affected. However, her possibility of procreation is not affected on account of mental retardation.*

*17. This Court, in the case of Kajal (supra), had an opportunity to consider a case with identical facts. In the said case, a girl (Kajal) aged 12 sustained brain injuries on account of an accident. The accident had very serious consequences on her. Kajal was examined for an assessment of her disability. It was assessed that, because of the head Injury, Kajal is left with very low IQ and severe weakness in all her four limbs, she suffers from severe hysteria and severe urinary incontinence. Her disability had been assessed as 100%.*

*18. This Court, in the said case, referred to a number of cases where the principles for grant of compensation have been enunciated. Cases from foreign jurisdiction as well as cases of this Court were relied upon to extract the principles to be applied while assessing compensation. It would be apposite to refer to the following paragraphs of the said case:*



*"8. In Phillips v. London & South Western Railway Co. [Phillips v. London & South Western Railway Co., [L.R.] 5 Q.B.D. 78 (CA)], Field, J., while emphasising that damages must be full and adequate, held thus: (QBD p. 79)*

*"... You cannot put the plaintiff back again into his original position, but you must bring your reasonable common sense to bear, and you must always recollect that this is the only occasion on which compensation can be given. The plaintiff can never sue again for it. You have, therefore, now to give him compensation once and for all. He has done no wrong, he has suffered a wrong at the hands of the defendants and you must take care to give him full fair compensation for that which he has suffered."*

*Besides, the Tribunals should always remember that the measures of damages in all these cases "should be such as to enable even a tortfeasor to say that he had amply atoned for his misadventure".*

*9. In Mediana, In re [Mediana, In re, [1900] A.C. 113 (HL)], Lord Halsbury held (AC pp. 116-17)*

*"... Of course the whole region of inquiry into damages is one of extreme difficulty. You very often cannot even lay down any principle upon which you can give damages; nevertheless, it is remitted to the jury, or those who stand in place of the jury, to consider what compensation in money shall be given for what is a wrongful act. Take the most familiar and ordinary case how is anybody to measure pain and suffering in moneys counted? Nobody can suggest that you can by any arithmetical calculation establish what is the exact amount of money which would represent such a thing as the pain and suffering which a person has undergone by reason of an accident. In truth, I think it would be very arguable to say that a person would be entitled to no damages for such things. What manly mind cares about pain and suffering that is past? But nevertheless the law recognises that as a topic upon which damages may be given."*

*10. The following observations of Lord Morris in his speech in H. West & Son Ltd. v. Shephard [H. West & Son Ltd. v. Shephard, [1964] A.C. 326 [1963] 2 WLR 1359 (HL)], are very pertinent: (AC p. 346)*



*"... Money may be awarded so that something tangible may be procured to replace something else of the like nature which has been destroyed or lost. But money cannot renew a physical frame that has been battered and shattered. All that Judges and courts can do is to award sums which must be regarded as giving reasonable compensation. In the process there must be the endeavour to secure some uniformity in the general method of approach. By common assent awards must be reasonable and must be assessed with moderation. Furthermore, it is eminently desirable that so far as possible comparable injuries should be compensated by comparable awards."*

*In the same case, Lord Devlin observed (at p. 357) that the proper approach to the problem was to adopt a test as to what contemporary society would deem to be a fair sum, such as would allow the wrongdoer to "hold up his head among his neighbours and say with their approval that he has done the fair thing?", which should be kept in mind by the court in determining compensation in personal injury cases.*

*11. Lord Denning while speaking for the Court of Appeal in Ward v. James [Ward v. James, [1966] 1 Q.B. 273: [1965] 2 WLR 455 : [1965] 1 All ER 563 (CA)], laid down the following three basic principles to be followed in such like cases: (QB pp. 299-300)*

*"First, assessibility: In cases of grave Injury, where the body is wrecked or the brain destroyed, it is very difficult to assess a fair compensation in money, so difficult that the award must basically be a conventional figure, derived from experience or from awards in comparable cases. Secondly, uniformity: There should be some measure of uniformity in awards so that similar decisions are given in similar cases; otherwise there will be great dissatisfaction in the community, and much criticism of the administration of justice. Thirdly, predictability: Parties should be able to predict with some measure of accuracy the sum which is likely to be awarded in a particular case, for by this means cases can be settled peaceably and not brought to court, a thing very much to the public good."(emphasis in original)*



*12. The assessment of damages in personal injury cases raises great difficulties. It is not easy to convert the physical and mental loss into monetary terms. There has to be a measure of calculated guesswork and conjecture. An assessment, as best as can, in the circumstances, should be made.*

*13. McGregor's Treatise on Damages, 14th Edition, Para 1157, referring to heads of damages in personal injury actions states:*

*"The person physically injured may recover both for his pecuniary losses and his non-pecuniary losses. Of these the pecuniary losses themselves comprise two separate items viz. the loss of earnings and other gains which the plaintiff would have made had he not been injured and the medical and other expenses to which he is put as a result of the injury, and the courts have subdivided the non-pecuniary losses into three categories viz. pain and suffering, loss of amenities of life and loss of expectation of life."*

*14. In Concord of India Insurance Co. Ltd. v. Nirmala Devi [Concord of India Insurance Co. Ltd. v. Nirmala Devi, (1979) 4 SCC 365: 1979 SCC (Cri) 996: 1980 ACJ 55], this Court held: (SCC p. 366, para 2)*

*"2.... the determination of the quantum must be liberal, not niggardly since the law values life and limb in a free country in generous scales."*

*15. In R.D. Hattangadi v. Pest Control (India) (P) Ltd. [R.D. Hattangadi v. Pest Control (India) (P) Ltd., (1995) 1 SCC 551: 1995 SCC (Cri) 250], dealing with the different heads of compensation in Injury cases this Court held thus: (SCC p. 556, para 9)*

*"9. Broadly speaking while fixing the amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant (i) medical attendance; (ii) loss of earning of profit up to the*



*date of trial; (iii) other material loss. So far as non-pecuniary damages are concerned, they may include (I) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in the future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for loss of expectation of life i.e. on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life."*

*16. In Raj Kumar v. Ajay Kumar [Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343 (2011) 1 SCC (Civ) 164 (2011) 1 SCC (Cri) 1161], this Court laid down the heads under which compensation is to be awarded for personal injuries: (SCC p. 348, para 6)*

*"6. The heads under which compensation is awarded in personal Injury cases are the following:*

*Pecuniary damages (Special damages)*

*(I) Expenses relating to treatment, hospitalisation, medicines, and miscellaneous transportation, nourishing expenditure. food,*

*ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:*

*(a) Loss of earning during the period of treatment;*

*(b) Loss of future earnings on account of permanent disability.*

*(iii) Future medical expenses.*

*Non-pecuniary damages (General damages)*

*(iv) Damages for pain, suffering and trauma as a consequence of the injuries.*

*(v.) Loss of amenities (and/or loss of prospects of marriage).*

*(vi) Loss of expectation of life (shortening of normal longevity).*

*In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that*



*compensation will be granted under any of the heads (ii)(b), (iii), (v.) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life."*

*17. In K. Suresh v. New India Assurance Co. Ltd. [K. Suresh v. New India Assurance Co. Ltd., (2012) 12 SCC 274 (2013) 2 SCC (Civ) 279; (2013) 4 SCC (Cri) 638], this Court held as follows: (SCC p. 276, para 2)*

*"2. There cannot be actual compensation for anguish of the heart or for mental tribulations. The quintessentiality lies in the pragmatic computation of the loss sustained which has to be in the realm of realistic approximation. Therefore, Section 168 of the Motor Vehicles Act, 1988 (for brevity "the Act") stipulates that there should be grant of "just compensation". Thus, it becomes a challenge for a court of law to determine "just compensation" which is neither a bonanza nor a windfall, and simultaneously, should not be a pittance."*

*19. This Court, in the said case, thereafter, formulated various heads such as loss of earnings, expenses related to treatment, attendant charges, pain and suffering and loss of amenities, loss of marriage prospects, future medical treatment. Ultimately, this Court enhanced the compensation awarded by the High Court from Rs. 25,78,501/- to Rs. 62,27,000/-.*

*20. In another case titled Master Ayush (supra), this Court was called upon to adjudicate on an appeal filed by a 5-year-old victim of a road accident seeking enhancement of compensation awarded by the Tribunal.*

*21. In the said case, Ayush was left as a paraplegic patient as a result of the accident. He was examined by two doctors. He was not able to move both his legs and had complete sensory loss in the legs, urinary incontinence, bowel constipation and bed sore. Ayush was aged about 5 years on the date of the accident, hence, he lost his childhood and became dependant on other(s) for his routine work.*

*22. This Court, in the said case, relying on the decision of Kajal (supra) enhanced the compensation under the head of loss of future earnings due to permanent disability for life, medical expenses, future medical expenses, pain and suffering and loss of amenities, loss of marriage prospects, attendant charges and conveyance charges. This*



*Court enhanced the compensation awarded to the appellant therein from Rs. 13,46,805/- to Rs. 49,93,000/-.*

23. *Recently, this Court in the case of K.S. Muralidhar (supra) on an elaborate consideration of certain authorities (scholarly as also judicial) on the aspect of "pain and suffering" set out the contours. It would be relevant to refer to the following paragraphs of the said case:*

*"14. In respect of 'pain and suffering' in cases where disability suffered is at 100%, we may notice a few decisions of this Court:-*

*14.1 In R.D Hattangadi v. Pest Control (India) (P) Ltd. It was observed:*

*"17. The claim under Sl. No. 16 for 'pain and suffering' and for loss of amenities of life under Sl. No. 17, are claims for non-pecuniary loss. The appellant has claimed lump sum amount of Rs. 3,00,000 each under the two heads. The High Court has allowed Rs. 1,00,000 against the claims of Rs. 6,00,000. When compensation is to be awarded for 'pain and suffering' and loss of amenity of life, the special circumstances of the claimant have to be taken into account including his age, the unusual deprivation he has suffered, the effect thereof on his future life. The amount of compensation for non-pecuniary loss is not easy to determine but the award must reflect that different circumstances have been taken into consideration. According to us, as the appellant was an advocate having good practice in different courts and as because of the accident he has been crippled and can move only on wheelchair, the High Court should have allowed an amount of Rs. 1,50,000 in respect of claim for 'pain and suffering' and Rs. 1,50,000 in respect of loss of amenities of life. We direct payment of Rs. 3,00,000 (Rupees three lakhs only) against the claim of Rs. 6,00,000 under the heads "'pain and suffering" and "Loss of amenities of life".*

*(Emphasis Supplied)*

*14.2 This Judgment was recently referred to by this Court in Sidram v. United India Insurance Company Ltd. reference was also made to Karnataka SRTC v. Mahadeva Shetty (irrespective of the percentage of disability incurred, the observations are instructive), wherein it was observed:*



*"18. A person not only suffers injuries on account of accident but also suffers in mind and body on account of the accident through out his life and a feeling is developed that his no more a normal man and cannot enjoy the amenities of life as another normal person can. While fixing compensation for pain and suffering as also for loss of amenities, features like his age, marital status and unusual deprivation he has undertaken in his life have to be reckoned."*

*14.3 In Kajal v. Jagdish Chand considering the facts of the case, i.e., 100% disability, child being bedridden for life, her mental age being that of a nine-month-old for life a vegetative existence, held that "even after taking a conservative view of the matter an amount payable for the 'pain and suffering' of this child should be at least Rs. 15,00,000/-."*

*14.4 In Ayush v. Reliance General Insurance relying on Kajal (supra) the amount awarded in 'pain and suffering' was enhanced to Rs. 10,00,000. The child who had suffered the accident was five years old and the Court noted in paragraph 2 that:*

*"As per the discharge certificate, the appellant is not able to move both his legs and had complete sensory loss in the legs, urinary incontinence, bowel constipation and bed sores. The appellant was aged about 5 years as on the date of the accident, hence has lost his childhood and is dependent on others for his routine work."*

*14.5 In Lalan (supra) cited by the claimant-appellant, the Tribunal awarded Rs. 30,000/- which was enhanced to Rs. 40,000/- by the High Court. Considering the fact that the appellant therein has suffered extensive brain injury awarded compensation under 'pain and suffering' to the tune of Rs.3,00,000/-."*

12. The Hon'ble Apex Court then assessed the compensation under various heads. This Court also embarks upon the same exercise. The compensation under various heads is, therefore, assessed as under:-

a) **Loss of income/earning capacity.**

The appellant was 22 years old at the time of accident.

As per her, she was giving tuitions and was earning Rs.15000/-



per month. However, no evidence to this effect was produced. She remained admitted in hospital from 30.10.2017 to 07.11.2017 and thereafter, took follow up treatment. It, therefore, means that she must have not been able to work for about one month. The MACT assessed the loss of income at Rs.8,000/-. Taking the notional income of a young girl of 22 years old, who was doing her M.Sc. and also imparting tuitions to be Rs.10,000/- per month. The compensation for loss of income would be **Rs.10,000/-**. There would, however, be no loss in her earning capacity as fortunately she did not suffer any permanent disability.

b) **Pain and suffering.**

In **Baby Sakshi Greola's** case (supra), the Hon'ble Supreme Court of India assessed the pain and suffering to the tune of Rs.15 lakhs. However, in that case, there was almost a 100% mental disability to a 12 years old child, which is not the case here. In the present case, the appellant must have undergone considerable pain and suffering both, mental and physical and under the circumstances, this Court assesses the compensation under the said head @ **Rs.2 lakhs**.

c) **Loss of marriage prospects.**

In **Baby Sakshi Greola's** case (supra), the Hon'ble Supreme Court of India assessed the loss of marriage prospects at Rs.5 lakhs. In the present case, keeping in view the entire circumstances as have been discussed in the preceding paragraphs, this Court assesses the compensation on account of



loss of marriage prospects @ **Rs.2 lakhs.**

d) The compensation on account of special diet and transportation etc. is assessed at **Rs.50,000/-**.

e) The compensation on account of actual medical bills remains the same i.e. Rs.1,04,067.65/-.

f) The compensation on account of future medical expenses is assessed at **Rs.1 lakh.**

13. In view of the above, the compensation as assessed by this Court and that of the MACT is tabulated as under:-

Sr. No.	Heads	Assessed by the MACT	Enhanced by this Court
1.	Compensation on account of loss of income during the period claimant remained injured/indisposed for 20 days	Rs.8000/-	Rs.10,000/-
2.	Compensation on account of actual medical bills/expenditure	Rs.1,04,067.65/-	No change
3.	Compensation on account of Misc. heads such a special diet, nourishing, food, transportation etc.	Rs.12,000/- @ Rs.1500/- x 8 days	Rs.50,000/-
4.	Compensation on account of future medical expenses.	Rs.10,000/- (cumulatively)	Rs.1,00,000/-
5.	Compensation on account of damages for pain, suffering and trauma as a consequences of injuries	Rs.20,000/- (cumulatively)	Rs.2,00,000/-
6.	Marriage Prospects	No compensation	Rs.2,00,000/-
	Total	Rs.1,54,067.65/-	Rs.5,60,000/-

14. The total compensation as enhanced by this Court, therefore, comes to Rs.5,60,000/-. After deducting a sum of Rs.1,54,067.65/-, as assessed by the MACT, the balance compensation comes to Rs.4,05,932.35/-, rounded off to **Rs.4,06,000/-**. This amount would be



payable in addition to the amount assessed by the learned MACT along with interest @ 7 per cent annually. The liability to pay the same would be as per the award.

15. The present appeal is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**November 11, 2025**

vchgarg

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No