

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3762 of 2012**

With
CIVIL APPLICATION (FOR PRODUCTION OF ADDITIONAL EVIDENCES)
NO. 1 of 2026
In R/FIRST APPEAL NO. 3762 of 2012

FOR APPROVAL AND SIGNATURE:**HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**

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Approved for Reporting	Yes	No
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GIRIRAJ SINH AJITSINH
 Versus
 LALJIBHAI ARJANBHAI RABARI & ORS.

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Appearance:

MS AMRITA AJMERA(5204) for the Appellant(s) No. 1
 MR SUNIL B PARIKH(582) for the Defendant(s) No. 3
 RULE NOT RECD BACK for the Defendant(s) No. 1,2

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CORAM: HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**Date : 11/03/2026****JUDGMENT**

1. The captioned appeal has been preferred against the impugned judgment and award dated 08.08.2012 passed by the learned Motor Accident Claims Tribunal (Aux.) & 2nd Additional District Court at Surendranagar, in MACP No.57 of 2007, whereby the learned Tribunal had partly allowed the Claim Petition and awarded a sum of Rs.7,15,300/- as a compensation along with interest at the rate of 9% per annum from the date of filing of claim petition till its realization.

2. The succinct facts which led to file the captioned appeal are that on 23.08.2006, the claimant/appellant herein was travelling in truck bearing registration no.GJ-13-T-7298, as a cleaner. The said truck was being driven by original opponent No.2/respondent no.2 herein in rash and negligent manner and at an excessive speed, as a result of which, when they reached near Vittalgadh village, on Viramgam-Surendranagar road, the said truck dashed into one unknown stationary vehicle, which was lying parked on the side of the road, thereby causing the accident. In the said vehicular accident, the claimant/appellant herein sustained serious injuries. It has been also averred that at the time of accident, the claimant/appellant herein was aged about 20 years and he was earning a sum of Rs.2,000/- as a salary and Rs.25/- as a daily allowance, thereby earning a total sum of Rs.2,750/- per month. In the said accident, he sustained the serious fractures to his spinal cord and became paralyzed. It has been further averred that owing to the injury sustained in the vehicular accident, the claimant/appellant herein lost control over his body and had become bedridden, as such, he requires service of two attendants, water bed and computerized wheelchair. Therefore, the Claim Petition for seeking the compensation to the tune of Rs.20,00,000/- was filed before the learned Tribunal.

3. Having been served with the notice of the claim petition, the original opponent No.3/respondent no.3 herein - Insurance Company filed its Written Statement at Exh.18, thereby denying the factum of age, income and negligence and prayed for dismissal of the claim petition. The respondent nos.1 & 2 have also filed the Written Statement at Exh.22, thereby denying their liability to pay the compensation.

4. Having considered the pleadings of the parties, the learned Tribunal had framed the following issues at Exh.25:-

1) Whether it is proved that the deceased sustained injuries on account of rashness and negligence of the part of the driver of the vehicle involved in the accident?

2) What amount the claimants are entitled to by way of compensation and from which of the opponents?

3) What order?

5. In order to prove his claim, the claimant/appellant herein led the following oral and documentary evidence on record:-

Sr. No.	Particular	Exh. Nos.
1.	Examination-in-chief and cross-examination of claimant	35
2.	Affidavit in examination-in-chief and cross-examination of Dr. Yogendrasinh Devisinh Solanki	46
3.	Certified copy of policy of offending vehicle	48
4.	Disability Certificate issued by Dr. Yogendra D. Solanki, MS Ortho,	49
5.	Xerox copy of charge-sheet	58
6.	Xerox copy of school leaving certificate of claimant	59
7.	Discharge card issued by Civil Hospital	60
8.	MRI report	61

9.	Medical papers of Civil Hospital	62
10.	Medical papers of outdoor treatment received from Dr. Jignesh Vora	63
11.	Discharge card of Dr. Jignesh Vora for the treatment, medical bills and receipts	65
12.	Salary Certificate	66

6. Having considered the pleadings, oral and documentary evidence on record and the submissions advanced by the learned counsels for the parties, the learned Tribunal had partly allowed the claim petition and awarded a sum of Rs.7,15,300/- as a compensation, along with interest at the rate of 9% per annum from the date of filing the claim petition till its realization.

7. Being aggrieved and dissatisfied with the impugned judgment and award, the original claimant/appellant has preferred the captioned on the ground of quantum.

8. Heard learned counsels for the parties.

9. Mr. Amrita Ajmera, learned advocate appearing on behalf of the original claimant/appellant herein vehemently submitted that at the time of the vehicular accident, the claimant/appellant herein was aged about 20 years, and had sustained fractures of L2 & L3 of spinal code. She further submitted that the claimant/appellant herein suffered neurological defects, as his spinal cord was crushed and resultantly, suffered paraplegia of the lower part of the body. She contended that on account of injuries sustained in the vehicular accident, claimant/appellant herein had become totally bedridden. She further

submitted that the claimant/appellant herein had developed bed sores, which requires treatment on regular interval. She further submitted that she has also filed an application for leading the additional evidence to bring the subsequent facts before this Court, as the claimant/appellant herein has developed gangrene and has undergone extensive treatment for the same. She also submitted that the said application being Civil Application No.1 of 2026 preferred for leading the additional evidence may be allowed and the subsequent additional facts may also be taken into consideration.

10. Learned advocate appearing on behalf of the original claimant/appellant herein further submitted that though the claimant/appellant herein had become 100% disabled, the learned Tribunal had considered the functional disability at 90%. She further submitted that at the time of the vehicular accident, the claimant/appellant herein was gainfully engaged as cleaner on the truck, however, the learned Tribunal had assessed the income of the deceased, at a very lower side. She contended that the learned Tribunal ought to have assessed the income of the claimant/appellant herein at Rs.5,500/- per month. She further submitted that the learned Tribunal had also not considered the future prospective income of the claimant/appellant herein. She further submitted that it is not in dispute that at the time of the vehicular accident, the claimant/appellant herein was aged about 20 years, as such, the learned Tribunal ought to have added 40% of the notional monthly income on account of future prospective income of the claimant/appellant herein.

11. Learned Counsel for the original claimant/appellant herein has advanced the following submissions under each heads of Challenge : -

PAIN, SHOCK & SUFFERING.

12. Learned counsel for the original claimant/appellant herein contended that the learned Tribunal had awarded meagre amount of compensation under the head of Pain, shock & suffering. She contended that after the vehicular accident, the claimant/appellant herein had become bedridden, became totally disabled, and is dependent upon other family members and attendants, however, the learned Tribunal had awarded only a meagre amount of compensation under this head. Learned counsel for the claimant/appellant herein placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of ***K.S. Muralidhar v. R. Subbalakshmi & Anr.*** reported in ***2024 (0) AIJEL-SC 74282***, ***Sri Benson George v. Reliance General Insurance Company Limited*** reported in ***2022 (13) SCC 145***, ***Kajal v. Jagdish Chand*** reported in ***2020 (0) AIJEL-SC 65725*** and further placed reliance on the judgment rendered by the Division Bench of this High Court in the case of ***Bajaj Alliance General Insurance Company Limited v. Ketanbhai Ashokbhai Patel*** reported in ***2025 (0) AIJEL-HC 249943***. Having placed reliance upon the aforesaid judgments, learned counsel for the appellant submitted that a sum of Rs.15,00,000/- may be awarded under the head of Pain, shock & suffering.

LOSS OF BASIC AMENITIES OF LIFE.

13. Learned counsel for the claimant/appellant herein submitted that owing to the injuries sustained in the vehicular accident, the claimant/appellant herein had become bedridden and has been deprived of basic amenities of life, however, the learned Tribunal, ignoring the disabilities of the claimant/appellant herein, had awarded only a meagre sum of Rs.50,000/- under the head of Loss of amenities of life. She submitted that learned Tribunal, considering the nature of injuries sustained by the claimant, ought to have awarded a sum of 15,00,000/- under the head of Loss of amenities of life. In support of her contentions, learned counsel for the original claimant/appellant herein, placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of ***Sri Benson George*** (supra). Having placed reliance upon the aforesaid judgments, learned counsel for the appellant submitted that a sum of Rs.15,00,000/- may be awarded under the head of Loss of amenities of life.

SPECIAL DIET & TRANSPORTATION CHARGES.

14. Learned counsel for the appellant submitted that the learned Tribunal had awarded a sum of Rs.15,000/- under the head of Special diet and Transportation charges, however, claimant/appellant herein had become totally bedridden as a result of the vehicular accident in question, and he requires to be transported to visit doctors for medical treatment, and has to visit several times in a year for taking such medical treatment. She contended that the learned Tribunal ought to have awarded a sum of Rs.75,000/- as compensation under the head of

Special diet and Transportation charges.

ATTENDANT CHARGES.

15. Learned counsel for the claimant/appellant herein submitted that the claimant/appellant herein had become bedridden and requires the help of atleast two attendants round the clock, however, the learned Tribunal had awarded only a meagre amount of Rs.40,000/- under the head of Attendant charges. She submitted that the learned Tribunal ought to have awarded compensation for two attendants, considering the minimum wages at the time of accident. In support of her contentions, learned counsel for the claimant/appellant herein, placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of ***Nizam Institute of Medical Sciences v. Prasanth S. Dhananka*** reported in ***2009 (0) AIJEL-SC 43609, Kajal*** (supra), ***Ketanbhai Ashokbhai Patel*** (supra), ***S. Mohammed Hakim v. National Insurance Company Limited*** reported in ***2025 (0) AIJEL-SC 75647***, and ***Kavita vs. Deepak*** reported in ***2012 (0) AIJEL-SC 52044***.

FUTURE MEDICAL TREATMENT.

16. Learned Tribunal had awarded a meagre amount of compensation under the head of future medical treatment. She further submitted that it has been proved on record that the claimant/appellant herein had become bedridden and he requires artificial limb and wheel-chair for the rest of his life, however, the learned Tribunal had not awarded any amount of compensation for purchasing wheel-chair or

artificial limb. Therefore, she prayed that a sum of Rs.10,00,000/- may be awarded under the head of future medical expenses/Artificial Limb/wheelchair. In support of her contentions, learned counsel for the claimant/appellant herein, placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of ***Nizam Institute of Medical Sciences*** (supra), ***Ketanbhai Ashokbhai Patel*** (supra) and ***G. Vivek Kumar v. National Insurance Company Limited*** reported in **2022 (0) AIJEL-SC 71032**.

ACTUAL LOSS OF INCOME.

17. Learned counsel for the appellant further submitted that the learned Tribunal had awarded a meagre sum of Rs.40,000/- under the head of Actual loss of income. She contended that the learned Tribunal ought to have awarded the compensation under the head of Actual loss of income for 237 months, i.e., upto the date of trial. She further submitted that a sum of Rs.13,03,500/- ought to have been awarded under the head of Actual loss of income. In support of her contentions, learned counsel for the claimant/appellant herein, placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of ***Kavita*** (supra) and ***Baby Sakshi Greola v. Manzoor Ahmed Simon & Anr.*** reported in **2024 (0) AIJEL-SC 74382**.

LOSS OF MARRIAGE PROSPECTS.

18. Learned counsel for the original claimant/appellant herein submitted that the learned Tribunal had not awarded any compensation under the head of Loss of marriage prospects, though at the time of

accident, the claimant/appellant herein was a young boy of 20 years and owing to the injuries sustained in the accident, the claimant/appellant herein has been deprived of marriage prospects, as such, she prayed for award of Rs.5,00,000/- under the head of Loss of marriage prospects. In support of her contentions, learned counsel for the claimant/appellant herein, placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of ***S. Mohammed Hakim*** (supra) and ***Baby Sakshi Greola*** (supra).

FUTURE MEDICAL EXPENSES AND COMPENSATION FOR PHYSIOTHERAPY.

19. Learned counsel for the appellant further submitted that the learned Tribunal had not awarded any amount of compensation under the head of future medical expenses for physiotherapy treatment. She further submitted that the claimant/appellant herein had filed an application for leading the additional evidence, in order to bring the subsequent facts to prove that the claimant/appellant herein is still taking medical treatment. Therefore, she prayed for award of Rs.10,00,000/- under the head of Future medical expenses and compensation for physiotherapy. In support of her contentions, learned counsel for the claimant/appellant herein, placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of ***Kavita*** (supra), ***Nizam Institute of Medical Sciences*** (supra), ***Ketanbhai Ashokbhai Patel*** (supra) and ***Oriental Insurance Company Limited v. Niru @ Niharika & Ors.*** reported in ***2025 (7) SCR 474***. She further submitted that in view of the foregoing submissions, the captioned appeal deserves to be allowed and the compensation

awarded by the learned Tribunal is required to be enhanced.

20. Per contra, Mr. Sunil B. Parikh, learned counsel for the respondent No.3 - Insurance Company, at the outset, submitted that the learned Tribunal had awarded just compensation under all heads, as such, the captioned appeal is liable to be dismissed. He further submitted that the learned Tribunal, after considering the evidence on record, had rightly assessed the income of the claimant/appellant herein. He further submitted that considering the ratio laid down by the Hon'ble Apex Court in the case of **Sarla Verma and Ors. Vs. Delhi Transport Corporation** reported in **2009 AIR (SC) 3104** and **National Insurance Company Ltd. Vs. Pranay Sethi** reported in **2017 (16) SCC 680**, the income of the claimant/appellant herein may be further enhanced by 40% on account of the future prospects.

21. So far as the amount awarded by the learned Tribunal under the head of Pain, shock & suffering is concerned, learned counsel for the Insurance company submitted that under similar facts and circumstances, the coordinate bench of this High Court in **R/First Appeal No. 1807 of 2011** titled as **Minor Jay Arvindbhai Namera, through Guardian & Father v. Nagdishbhai Madhavjibhai Javiya & Anr.**, after considering the injuries of the victim, had awarded a sum of 10,00,000/- under the head of Pain, shock & suffering. He submitted that considering the facts and circumstances of the present case, this Court may award just compensation under the head of Pain, shock & suffering.

22. So far as the Attendant charges are concerned, learned counsel

for the respondent No.3 - Insurance company submitted that considering the minimum wages at 2,500/- per month, and applying the multiplier of "18", a sum of Rs.5,40,000/- may be awarded under the head of Attendant charges. He further submitted that so far as the future medical expenses are concerned, the claimant/appellant herein had filed an application for leading the evidence and having regard to the facts and circumstances of the case, a sum of Rs.50,000/- may be awarded under the head of Future medical expenses.

23. Learned counsel for the respondent No.3 - Insurance company further submitted that the claimant/appellant herein was aged about 20 years at the time of vehicular accident, was unmarried, and has been deprived of marriage prospects, therefore, this Court may award a reasonable amount of compensation of not more than 3,00,000/- under head of Loss of marriage prospects. He further submitted that a sum of Rs.1,00,000/- may be awarded under the head of Special diet & Transportation charges, and a further sum of Rs.3,00,000/- may be awarded under the head of Loss of amenities of life and as per submission of learned counsel for the claimant/appellant herein, a total sum of Rs.32,07,360/- may be awarded as compensation along with interest as awarded by the learned Tribunal.

24. Having considered the submissions of the learned counsels for the parties and having gone through the records, it is to be noted that there is no dispute regarding the manner of occurrence of accident, age, occupation or nature of injuries sustained by the claimant/appellant herein in the vehicular accident in question. The original claimant/appellant herein has challenged the impugned

judgment and award on the ground of quantum.

INCOME & FUTURE PROSPECTS

25. So far as the income is concerned, at the time of the vehicular accident, the claimant/appellant herein was working as a cleaner in the offending truck. Having considered the oral as well as documentary evidence on the point of income, the learned Tribunal had assessed the income of the claimant at Rs.2,650/- per month. It has been argued that the income of the claimant ought to have been considered atleast at 5,500/- per month. Perusal of the record transpires that the claimant /appellant herein at para 4 of his Claim Petition, averred that his monthly income at the time of accident was Rs.2,750/- per month. He has also filed the affidavit in examination-in-chief along with lines of the pleadings. The learned Tribunal after considering the evidence on record, had determined the income of the claimant/appellant herein at Rs.2,650/- per month. The accident in question took place on 23.08.2006. Perusal of the record further transpires that no cogent evident was led to prove the income of the claimant/appellant herein on record. In the absence of any cogent evidence to prove the income, the learned Tribunal could have considered the minimum wages prevalent at the time of the accident. At the time of vehicular accident, the minimum wages as notified by the State Government of Gujarat for such a skilled worked was Rs.2,600/- per month. The learned Tribunal had assessed the income of the claimant at the time of accident as Rs.2,650/- per month. Thus, in my considered view, the learned Tribunal having considered all attending circumstances, had rightly assessed the income of the claimant/appellant herein at Rs.2,650/- per

month. Perusal of the impugned judgment further transpires that the learned Tribunal had not considered the future prospects of the claimant, though he was aged about 20 years at the time of accident. Thus, considering the ratio laid down by the Hon'ble Apex Court in the case of **Sarla Verma** (supra) and **Pranay Sethi** (supra), the notional monthly income of the claimant/appellant herein is required to be enhanced by 40%. Therefore, after adding 40% of the notional income to the annual income of the claimant/appellant herein, the monthly income of the claimant/appellant herein would come to the tune of Rs.3,710/- (i.e, Rs.2,650/- plus 40% of Rs.2,650/-).

DISABILITY & FUTURE LOSS OF INCOME

26. So far as the disability is concerned, due to the impact of the vehicular accident, the claimant/appellant herein suffered from paraplegia and has become totally bedridden. In these facts and circumstances, the claimant/appellant had preferred the application before the learned Tribunal to record the evidence, by way of appointing an Oath Commissioner. Therefore, the learned Oath Commissioner, had recorded the evidence of the claimant/appellant herein at his residence. The learned Oath Commissioner has also observed that the claimant/appellant herein is totally bedridden and bed sores has been developed. Thus, in view of the said fact, the disability of the claimant is considered at 100% body as a whole, and accordingly, the functional disability of the claimant is also considered at 100%. Thus, after applying the multiplier of "18" as per the age of the claimant/appellant herein at the time of accident, the original claimant/appellant herein shall be entitled for a sum of Rs.8,01,360/-

(i.e, Rs.3,710/- X 100% disability X 12 months X multiplier of "18") under the head of Future Loss of Income.

PAIN, SHOCK & SUFFERING.

27. So far as the compensation awarded under the head of Pain, shock & suffering is concerned, the learned Tribunal had awarded a sum of Rs.50,000/- as a compensation, however, the Ms. Ajmera, learned counsel appearing on behalf of the original claimant/appellant herein vehemently argued to enhance the compensation awarded under this head to the tune of Rs.15,00,000/-. In support of her contentions, she has placed reliance upon the judgments rendered by the Hon'ble Apex Court in the case of **K.S. Muralidhar** (supra) **Sri Benson George** (supra) and **Kajal** (supra) further placed reliance on the judgment rendered by the Division Bench of this Court in the case of **Ketanbhai Ashokbhai Patel** (supra).

28. Per contra, Mr. Parikh, learned counsel appearing on behalf of the Insurance Company placed reliance upon the judgments rendered by the coordinate bench of this Court in the case of **Minor Jay Arvinbhai Namera** (supra), and submitted that in similar facts and circumstances, the Coordinate Bench of the Court had awarded a sum of Rs.10,00,000/- under the head of Pain, shock & suffering. He further submitted that while awarding the compensation under the head of Pain, shock & suffering, the facts of each case is required to be considered.

29. Perusal of the medical records on record transpires that the

claimant/appellant herein had sustained multiple injuries all over his body. Further, perusal of the MRI Report of the claimant at Mark 38/4 transpires that the claimant had sustained the following injuries :-

"There is comminuted fracture involving body and neural arch of L3 with posterior dislocation of L3 in relation to L2. Intraspinous bony fragments are seen at L3 level, significantly compromising spinal canal. Fracture is also seen in left transverse process of L3. There is resultant marked compression of thecal sac and nerve roots. Mild wedging is also noted involving body of L1 with altered marrow signal intensity and appears hypointense on T1WI and mix-intensity on T2WI."

30. In the said MRI Report, the doctor has also opined as under :-

"The MR findings show comminuted fracture involving body of L3 with intraspinal bony fragment and posterior dislocation of L3 in relation to L2 with fracture of neural arch and left transverse process.

There is resultant spinal canal stenosis, causing marked compression of thecal sac and nerve roots."

31. Further, the Disability Certificate issued by Dr. Yogendra Solanki, produced at Mark 38/8, records that the Claimant has the following neurological findings :-

"Hip - Grade I
Knee - Grade I
Ankle - Grade 0
Toe - Grade 0

- . Below L3 anaesthesia.
- . Bowel & Bladder born involved.
- . Bedsore on gluteal region.
- . Considering above things, he is assessed to have permanent partial disability of 100% (Hundred Percent)"

32. As pointed out earlier, the claimant/appellant herein is bedridden. His deposition was recorded by the learned Oath Commissioner. The learned Oath Commissioner, has made a specific note in the said deposition that the claimant/appellant herein is bedridden and he has developed bed sores, which is so deep that the bone is visible.

33. Thus, considering all these evidence, it is evident that the claimant is in a vegetative state. In the case of **K.S. Muralidhar** (supra), wherein the claimant has sustained the disabilities to the extent of 90% body as a whole, the Hon'ble Apex Court had awarded the compensation of Rs.15,00,000/- under the head of Pain, shock & suffering. In the case of **Sri Benson George** (supra), wherein a man of 29 years had sustained 100% disability and is in coma and bedridden, the Hon'ble Apex Court had awarded a sum of Rs.10,00,000/- under the head of under the head of Pain, shock & suffering. In the case of **Kajal** (supra), wherein a young girl had sustained 100% disability, the Hon'ble Apex Court had awarded a sum of Rs.15,00,000/- under the head of under the head of Pain, shock & suffering, and in the case of **Ketanbhai Ashokbhai Patel** (supra), the

Coordinate Bench of this High Court had awarded a sum of Rs.10,00,000/- in the case of a person aged 26 years. The learned counsel for the Insurance Company has also placed reliance upon the judgment rendered by the Coordinate bench of this Court in the case of **Minor Jay Arvindhbai Namera** (supra), wherein a sum of Rs.10,00,000/- was awarded under the head of Pain, shock & suffering, in the case of a 20 year old suffering from paraplegia. Thus, considering the ratio laid down by the Hon'ble Apex Court as well as by the Coordinate Bench of this High Court in the aforesaid judgments, and having regard to the facts and circumstances of the present case, as at the time of accident, the claimant/appellant herein was a young boy aged 20 years, and owing to the injuries sustained in the accident, he has become paralyzed and resultantly confined to bed, and bed sores had also been developed, in my considered view, it would be just and proper, if a sum of Rs.12,00,000/- is awarded under the head of Pain, shock & suffering. Accordingly, the compensation awarded under the head of Pain, shock & suffering is enhanced to Rs.12,00,000/-.

LOSS OF AMENITIES OF LIFE.

34. Perusal of the record transpires that the claimant/appellant herein has sustained the fractures to his spinal cord and resultantly, he became bedridden. The learned Oath Commissioner, who recorded the deposition of the claimant/appellant herein also observed the said fact in his report. Therefore, the claimant/appellant has been deprived from the enjoying the basic amenities of life, however, the learned Tribunal had awarded a meagre sum of Rs.50,000/- under the head of Loss of amenities of life. Considering the medical as well as oral evidence

adduced by the claimant/appellant herein on record, it appears that the claimant is in vegetative condition. In the case of ***Sri Benson George*** (supra), the Hon'ble Apex Court had awarded compensation under the head of Loss of amenities of life to the tune of Rs.10,00,000/-. Having considered the facts and circumstances of the present case, a sum of Rs.7,00,000/- is awarded under the head of Loss of amenities of life.

MEDICAL EXPENSES.

35. The learned Tribunal had awarded a sum of Rs.16,000/- under the head of Medical expenses. The learned Tribunal had awarded the said amount of compensation on the basis of actual medical bills produced on record, as such, no interference is required under this head and accordingly, the compensation awarded under this head is maintained.

SPECIAL DIET & TRANSPORTATION CHARGES.

36. The learned Tribunal had awarded a sum of Rs.15,000/- under the head of Special diet & Transportation charges. It is not in dispute that the claimant/appellant herein, owing to his paraplegia, has received treatment for a considerable period of time. He was bedridden and requires medical facilities round the clock and requires special nutritious diet. Therefore, having considered the attending circumstances, the compensation awarded under this enhanced from Rs.15,000/- to Rs.50,000/-.

ATTENDANT CHARGES.

37. At the time of the vehicular accident, the claimant/appellant herein was aged about 20 years and owing to the injuries sustained in the accident, he became bedridden. He is unable to move independently and has lost control over his body. Therefore, he requires service of an attendant round the clock. However, the learned Tribunal has awarded a meagre amount of Rs.40,000/- under this head. In the case of **Nizam Institute of Medical Sciences** (supra), the Hon'ble Apex Court at para No.37 had observed as under:-

"37. The complainant, who has argued his own case, has submitted written submissions now claiming about 7.50 Crores as compensation under various heads. He has, in addition sought a direction that a further sum of Rs. 2 crores be set aside to be used by him should some developments beneficial to him in the medical field take place. Some of the claims are untenable and we have no hesitation in rejecting them. We, however, find that the claim with respect to some of the other items need to be allowed or enhanced in view of the peculiar facts of the case. Concededly, the complainant is a highly qualified individual and is gainfully employed as an IT Engineer and as per his statement earning a sum of Rs.28 Lakh per annum though he is, as of today, about 40 years of age. The very nature of his work requires him to travel to different locations but as he is confined to a wheel chair he is unable to do so on his own. His need for a driver cum attendant is, therefore, made out. The complainant has worked out the compensation under this head presuming his working life to be upto the age of 65 years. We feel that a period of 30 years from the date of the Award of the Commission i.e. 16th February, 1999, rounded off to 1st March, 1999, would be a reasonable length of time. A sum of

Rs.2,000/- per month for a period of 30 years (rounded off from 1st of March 1999) needs to be capitalized. We, accordingly, award a sum of Rs.7.2 Lakh under this head. The complainant has also sought a sum of Rs.49,05,800/- towards nursing care etc. as he is unable to perform even his daily ablutions without assistance. He has computed this figure on the basis of the salary of a Nurse at Rs. 4375/-per month for 600 months. We are of the opinion that the amount as claimed is excessive. We, thus grant Rs.4,000/- per month to the appellant for a period of 30 years making a total sum of Rs.14,40,000/-. The complainant has further sought a sum of Rs.46 Lakhs towards physiotherapy etc. at the rate of Rs.4,000/- per month. We reduce the claim from Rs.4,000/- to Rs.3,000/- per month and award this amount for a period of 30 years making a total sum of Rs.10,80,000/- At this stage, it may be pointed out that some of the medical expenses that had been incurred by the complainant have already been defrayed by the employer of the complainant's father and we are, therefore, disinclined to grant any compensation for the medical expenses already incurred. However, keeping in view the need for continuous medical aid which would involve expensive medicines and other material, and the loss towards future earnings etc., we direct a lump sum payment of Rs.25/- lakhs under each of these two heads making a total of Rs.50 lakhs. In addition, we direct a payment of Rs.10 lakh towards the pain and suffering that the appellant has undergone. The total amount thus computed would work out to Rs.1,00,05,000 (Rs.1 crore 5 thousand) which is rounded off to Rs. One Crore plus interest at 6% from Ist March, 1999 to the date of payment, giving due credit for any compensation which might have already been paid."

38. Now coming to the case on hand, the vehicular accident took place on 23.08.2006. Since then, the claimant/appellant herein is bedridden, therefore, the learned Tribunal ought to have awarded

Attendant charges for one attendant. At the time of the vehicular accident, the minimum wages as notified by the State Government of Gujarat for a skilled worker was Rs.2,500/- per month. Thus, considering the minimum wages, a sum of Rs. 5,40,000/- (Rs.2,500/- X 12 months X Multiplier of "18") is awarded under the head of Attendant charges.

ARTIFICIAL LIMB & WHEEL CHAIR.

39. The learned Tribunal had not awarded any amount of compensation under the head of Artificial Limb/Wheel chair. It is on record that owing to the fracture of spinal cord, the claimant/appellant has become bedridden and is unable to move independently. However, the learned Tribunal had not awarded any amount of compensation under the head of Artificial Limb/Wheel chair. It has been argued on behalf Mr. Sunil B. Parikh, learned advocate for the respondent No.3 – Insurance Company that the claimant/appellant herein has not placed on record any bill of purchasing a wheel chair or Artificial limb, as such no compensation can be awarded under this head. It is evident from the records that the Claimant/appellant hails from a very poor family, therefore, owing to the poverty he could not purchase an Artificial Limb or Wheel chair, but it would not amount that he is not entitled to get the compensation under the head of Artificial Limb or Wheel chair. Considering the ratio laid down by the Hon'ble Apex Court in the case of ***Nizam Institute of Medical Sciences*** (supra), ***Ketanbhai Ashokbhai Patel*** (supra) and ***G. Vivek Kumar*** (supra), I deem it fit to award a sum of Rs.2,00,000/- under the head of Artificial Limb/Wheel chair.

ACTUAL LOSS OF INCOME

40. The learned Tribunal had awarded a sum of Rs.40,000/- under the head of Actual loss of income. It has been argued on behalf of the learned counsel for the original claimant/appellant herein that Actual loss of income, ought to have been awarded for a period of 237 months. Considering the fact that this is a case of 100% loss of income, in my considered view, no enhancement is allowed under this head. Therefore, the compensation of Rs.40,000/- awarded by the learned Tribunal is not interfered with and is accordingly maintained.

LOSS OF MARRIAGE PROSPECTS

41. The learned Tribunal had not awarded any amount of compensation under the head of Loss of marriage prospects, though it is evident from the records that at the time of the accident, the claimant/appellant herein was aged about 20 years and he was unmarried. Thus, considering the ratio of the Hon'ble Apex Court in case of ***S. Mohammed Hakim*** (supra) and ***Baby Sakshi Greola*** (supra), a sum of Rs.2,50,000/- is awarded under the head of Loss of marriage prospects.

FUTURE MEDICAL EXPENSES/PHYSIOTHERAPY

42. It is evident from the records that the claimant/appellant herein is bedridden and he is a vegetative state. The claimant/appellant herein has also filed a Civil Application No. 1 of 2026 seeking permission for production of additional evidence on record. Perusal of the records

transpires that the claimant/appellant herein is still under treatment of the doctor. It appears that even after passing of judgment, he was hospitalized on various occasions and was lastly hospitalized on 13.10.2025, as he has developed gangrene. He remained hospitalized in Maharshi Hospital and C. U. Shah Medical College and Hospital, from 13.10.2025 to 28.10.2025. All these are the subsequent events. Thus, Civil Application No.1 of 2026 preferred for producing the additional evidence is allowed and additional documents are taken on record. Thus, having regard to the supporting documents placed along with the application such as the photographs depicting development of gangrene, and the medical papers such as Admission Card, Prescription slip & Discharge Card of the C.U.Shah Medical College and Hospital, and having regard to the attending circumstances and taking note of the ratio laid down by the Hon'ble Apex Court in the case of **Nizam Institute of Medical Sciences** (supra), **Ketanbhai Ashokbhai Patel** (supra) and **Kavita** (supra), a sum of Rs.2,00,000/- is awarded under the head of Future medical expenses.

43. Therefore, in view of the above discussion, the original claimant/appellant herein shall be entitled for the following amount of compensation:-

Sr. No.	Head	Amount in rupees.
1	Future Loss of Income.	8,01,360/-
2	Pain, shock & suffering.	(+) 12,00,000/-
3	Loss of amenities of life.	(+) 7,00,000/-
4	Medical expenses.	(+) 16,000/-

5	Special diet & Transportation Charges.	(+)	50,000/-
6	Attendant Charges.	(+)	5,40,000/-
7	Artificial limb/Wheel Chair.	(+)	2,00,000/-
8	Actual loss of Income.	(+)	40,000/-
9	Loss of marriage prospects.	(+)	2,50,000/-
10	Future Medical expenses.	(+)	2,00,000/-
11	Total Compensation		39,97,360/-
12	Compensation awarded by the learned Tribunal vide its impugned judgment and award.	(-)	7,15,300/-
13	Enhanced amount of Compensation		32,82,060/-

44. Therefore, in view of the above discussion, the original claimant/appellant herein shall be entitled for an additional compensation to the tune of Rs.32,82,060/- (Rupees Thirty Two Lakhs Eighty Two Thousand Sixty Only). The learned Tribunal has awarded interest at the rate of 9% per annum from the date of filing of the Claim Petition till realization. The said rate of interest is maintained; accordingly, the original claimant/appellant herein shall be entitled to 9% of interest per annum on the additional amount of compensation from the date of filing of the Claim Petition till its realization.

45. Thus, in view of the above discussion, the impugned judgment and award stands modified to the aforesaid extent and the captioned appeal stands partly allowed.

46. Respondent No.3 - Insurance Company is directed to satisfy the award, including the additional amount of compensation along with

interest within a period of six weeks from today. Upon depositing the said amount, the learned Tribunal shall disburse the entire awarded amount to the original claimant/appellant herein (deducting deficit Court fee, if any), after due verification.

47. Further, considering the medical condition as revealed from the records, the amount already lying deposited with the learned Tribunal is directed to be disbursed to the original Claimant/appellant herein forthwith, after due verification.

48. Statutory amount, if any, lying deposited with the Registry of this Court shall be transmitted to the learned Tribunal concerned forthwith. Records & Proceedings, if any be sent to the learned Tribunal concerned. No order as to costs.

49. Pending application, if any, stands disposed of, accordingly.

HARSHIT/ARUN

(MOOL CHAND TYAGI, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ARUN B(HC02368), ENGLISH STENO GRADE-II, at High Court of Gujarat on 18/03/2026 13:01:09