2026:PHHC:063263

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-5635-2016 (O&M)

Jagdeep Singh **......Appellant**

Vs.

Rafia Mohammed and ors. **......Respondents**

Date of Reserve: 23.04.2026
Date of Pronouncement: 24.04.2026
Uploaded on:- 04.05.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Sonia Monga , Advocate
for the appellant.

Mr. Paul S. Saini, Advocate and
Mr. Vipul Sharma, Advocate
for respondent No. 3-Insurance Co.

*****

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 25.09.2015 passed by the learned Motor Accident Claims Tribunal, Panchkula (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 for enhancement of compensation granted to the claimant to the tune of Rs.15,25,920/- along with interest @ 6% per annum, on account of injury suffered by him in a Motor Vehicular Accident, occurred on 08/09.10.2013.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of

the facts of the case is not required to be reproduced and is skipped herein for the sake of brevity.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. The learned counsel for the appellant/claimant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced. Therefore, she prays that the present appeal be allowed and the compensation awarded to the appellant/claimant be enhanced, as per latest law.

4. *Per contra*, learned counsel for respondent No. 3-Insurance Co., however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by learned Tribunal, has rightly been granted to the appellant/claimant. Therefore, he prays for dismissal of the present appeal.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

SETTLED LAW ON COMPENSATION

6. Hon'ble Supreme Court has settled the law regarding grant of compensation with respect to the disability. The Apex Court in the case of **Raj Kumar Vs. Ajay Kumar and Another (2011) 1 Supreme Court Cases 343**, has held as under:-

> ***General principles relating to compensation in injury cases***
>
> *5. The provision of the Motor Vehicles Act, 1988 ('Act' for short) makes it clear that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or tribunal shall have to assess the*

damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned. (See C.K. Subramonia Iyer v. T. Kunhikuttan Nair, AIR 1970 Supreme Court 376, R.D. Hattangadi v. Pest Control (India) Ltd., 1995 (1) SCC 551 and Baker v. Willoughby, 1970 AC 467).

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

Pecuniary damages (Special Damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.

(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.*

xxx xxx xxx xxx

19. We may now summarise the principles discussed above :

(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.

(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

(iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.

(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.

20. The assessment of loss of future earnings is explained below with reference to the following

Illustration 'A' *: The injured, a workman, was aged 30 years and earning Rs. 3000/- per month at the time of accident. As per Doctor's evidence, the permanent disability of the limb as a consequence of the injury was 60% and the consequential permanent disability to the person was quantified at 30%. The loss of earning capacity is however assessed by the Tribunal as 15% on the basis of evidence, because the claimant is continued in employment, but in a lower grade. Calculation of compensation will be as follows:*

a) Annual income before the accident : Rs. 36,000/-.

b) Loss of future earning per annum

(15% of the prior annual income) : Rs. 5400/-.

c) Multiplier applicable with reference to age : 17

d) Loss of future earnings : (5400 x 17) : Rs. 91,800/-

Illustration 'B' *: The injured was a driver aged 30 years, earning Rs. 3000/- per month. His hand is amputated and his permanent disability is assessed at 60%. He was terminated from his job as he could no longer drive. His chances of getting any other employment was bleak and even if he got any job, the salary was likely to be a pittance. The Tribunal therefore assessed his loss of future earning capacity as 75%. Calculation of compensation will be as follows :*

a) Annual income prior to the accident : Rs. 36,000/- .

b) Loss of future earning per annum

(75% of the prior annual income) : Rs. 27000/-.

c) Multiplier applicable with reference to age : 17

d) Loss of future earnings : (27000 x 17) : Rs. 4,59,000/-

Illustration 'C' *: The injured was 25 years and a final year Engineering student. As a result of the accident, he was in coma for two months, his right hand was amputated and vision was affected. The permanent disablement was assessed as 70%. As the injured was incapacitated to pursue his chosen career and as he required the assistance of a servant throughout his life, the loss of future earning capacity was also assessed as 70%. The calculation of compensation will be as follows :*

a) Minimum annual income he would have got if had been employed as an Engineer : Rs. 60,000/-

b) Loss of future earning per annum (70% of the expected annual income) : Rs. 42000/-

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c) Multiplier applicable (25 years) : 18

d) Loss of future earnings : (42000 x 18) : Rs. 7,56,000/-

[Note : The figures adopted in illustrations (A) and (B) are hypothetical. The figures in Illustration (C) however are based on actuals taken from the decision in Arvind Kumar Mishra (supra)].

7. Hon'ble Supreme Court in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*** **[(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

(A) Deduction of personal and living expenses to determine multiplicand;

(B) Selection of multiplier depending on age of deceased;

(C) Age of deceased on basis for applying multiplier;

(D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;

(E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

> " *Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads."*

8. Hon'ble Supreme Court in the case of ***Erudhaya Priya Vs. State Express Tran. Corpn. Ltd.*** ***2020 ACJ 2159,*** has held as under:-

> *" 7. There are three aspects which are required to be examined by us:*
> ***(a) the application of multiplier of '17' instead of '18'****;*
> *The aforesaid increase of multiplier is sought on the basis of age of the appellant as 23 years relying on the judgment in National Insurance Company Limited v. Pranay Sethi and Others, 2017 ACJ 2700 (SC). In para 46 of the said judgment, the Constitution Bench effectively affirmed the multiplier method to be used as mentioned in the table in the case of Sarla Verma (Smt) and Others v. Delhi Transport Corporation and Another, 2009 ACJ 1298 (SC) . In the age group of 15-25 years, the multiplier has to be '18' along with factoring in the extent of disability.*
> *The aforesaid position is not really disputed by learned counsel for the respondent State Corporation and, thus, we come to the conclusion that the multiplier to be applied in the case of the appellant has to be '18' and not '17'.*
> ***(b) Loss of earning capacity of the appellant with permanent disability of 31.1%***
> *In respect of the aforesaid, the appellant has claimed compensation on what is stated to be the settled principle set out in Jagdish v. Mohan & Others, 2018 ACJ 1011 (SC) and Sandeep Khanuja v. Atul Dande & Another, 2017 ACJ 979 (SC). We extract below the principle set out in the Jagdish (supra) in para 8:*
>> *"8. In assessing the compensation payable the settled principles need to be borne in mind. A victim who suffers a permanent or temporary disability occasioned by an accident is entitled to the award of compensation. The award of compensation must cover among others, the following aspects:*
>> *(i) Pain, suffering and trauma resulting from the accident;*
>> (ii) *Loss of income including future income;*
>> *(iii) The inability of the victim to lead a normal life together with its amenities;*
>> *(iv) Medical expenses including those that the victim may be required to undertake in future; and*
>> *(v) Loss of expectation of life."*
>>
>> *[emphasis supplied]*
>
> *The aforesaid principle has also been emphasized in an earlier judgment, i.e. the Sandeep Khanuja case (supra) opining that the multiplier method was logically sound and legally well established to quantify the loss of income as a result of death or permanent disability suffered in an accident.*
> *In the factual contours of the present case, if we examine the disability certificate, it shows the admission/hospitalization on 8 occasions for various number of days over 1½ years from August*

2011 to January 2013. The nature of injuries had been set out as under:

*"**Nature of injury**:*

(i) compound fracture shaft left humerus
(ii) fracture both bones left forearm
(iii) compound fracture both bones right forearm
(iv) fracture 3rd, 4th & 5th metacarpals right hand
(v) subtrochanteric fracture right femur
(vi) fracture shaft femur
(vii) fracture both bones left leg

We have also perused the photographs annexed to the petition showing the current physical state of the appellant, though it is stated by learned counsel for the respondent State Corporation that the same was not on record in the trial court. Be that as it may, this is the position even after treatment and the nature of injuries itself show their extent. Further, it has been opined in para 13 of Sandeep Khanuja case (supra) that while applying the multiplier method, future prospects on advancement in life and career are also to be taken into consideration.

We are, thus, unequivocally of the view that there is merit in the contention of the appellant and the aforesaid principles with regard to future prospects must also be applied in the case of the appellant taking the permanent disability as 31.1%. The quantification of the same on the basis of the judgment in National Insurance Co. Ltd. case (supra), more specifically para 61(iii), considering the age of the appellant, would be 50% of the actual salary in the present case.

(c) The third and the last aspect is the interest rate claimed as 12%

In respect of the aforesaid, the appellant has watered down the interest rate during the course of hearing to 9% in view of the judicial pronouncements including in the Jagdish's case (supra). On this aspect, once again, there was no serious dispute raised by the learned counsel for the respondent once the claim was confined to 9% in line with the interest rates applied by this Court.

CONCLUSION

8. The result of the aforesaid is that relying on the settled principles, the calculation of compensation by the appellant, as set out in para 5 of the synopsis, would have to be adopted as follows:

Heads	***Awarded***
Loss of earning power (Rs.14,648 x 12 x 31.1/100	*Rs. 9,81,978/-*

Future prospects (50 per cent addition)	*Rs.4,90,989/-*
Medical expenses including transport charges, nourishment, etc.	*Rs.18,46,864/-*
Loss of matrimonial prospects	*Rs.5,00,000/-*
Loss of comfort, loss of amenities and mental agony	*Rs.1,50,000/-*
Pain and suffering	*Rs.2,00,000/-*
Total	*Rs.41,69,831/-*

The appellant would, thus, be entitled to the compensation of Rs. 41,69,831/- as claimed along with simple interest at the rate of 9% per annum from the date of application till the date of payment.

9. A perusal of the award reveals that the appellant/claimant was stated to be 21 years of age at the time of the accident. A further perusal of the impugned award reveals that the claimant/appellant has sustained multiple injuries because of the accident resultantly rendered him 80% disabled due to which there was an amputation of his right lower limb. The disability certificate (Ex P2) was placed on record to prove the said disability. Furthermore, to substantiate the same, Dr. K.K. Bansal, SMO one of the member of the Medical Board has been examined and during his cross examination nothing material has been extracted to point any major infirmity in the disability certificate (Ex P2). Therefore, the disability certificate is genuine and can be duly relied upon.

10. Furthermore, the claimant/appellant has stated himself to be doing the business of agriculture and was also stated to be running a Milk Dairy but nothing cognigent evidence was placed on record to substantiate the same. Thereafter, the learned Tribunal has taken the income of the claimant/appellant as Rs.7,000/- per

month as per the wages fixed by Deputy Commissioner, Panchkula for the relevant year. Therefore, this does not require any interference by this Court.

11. Further perusal of the award reveals that the claimant, due to the unfortunate accident, has suffered not only grave physical disability but also a complete loss of his earning capacity. Even if the claimant is presumed to be a labourer, the nature of his occupation, being self-employed, necessarily involved substantial physical activity, mobility, and sustained effort. In such circumstances, the amputation of his right lower limb and the associated complications effectively render him incapable of pursuing his vocation.

12. At this juncture, it is apposite to reiterate that the Motor Vehicles Act is a beneficial legislation intended to provide fair, adequate, and just compensation to victims of road accidents. The concept of "just compensation" has been authoritatively explained by the Hon'ble Supreme Court in ***State of Haryana and another v. Jabir Kaur and others, AIR 2003 SC 3696***, wherein it was held that compensation must strike a balance—it should neither be a windfall nor a pittance, but must be fair, reasonable, and commensurate with the loss suffered. The determination, though not susceptible to precise mathematical calculation, must be based on a judicious and rational assessment of the facts and circumstances of each case.

13. Applying the aforesaid principles to the present case, this Court is of the considered view that although the claimant has been certified to have suffered 80% permanent physical disability, the impact of such disability on his earning capacity is far more severe. Having regard to the nature of injuries and the avocation of the claimant, he is, for all practical purposes, rendered wholly

incapable of earning his livelihood as before. Consequently, his **functional disability is assessed at 100%** for the purpose of computation of compensation.

14. Furthermore, the nature of injuries, particularly amputation of a lower limb, stands conclusively established from the medical evidence on record. In such circumstances, the requirement of an artificial limb is not merely incidental but inevitable. Accordingly, the claimant/appellant requires a prosthetic limb.

15. Further perusal of the award reveals that claimant has placed on record Bill (Ex. P3 and P4) for the purchase of endolite above knee prosthesis but failed to prove the same and the learned Tribunal has correctly not taken into consideration the above mentioned bills.

16. It is pertinent here to mention that Hon'ble Supreme Court, in ***Kumari Laxmisree v. Managing Director, KSRTC Depot, Bengaluru, 2025 (2) TAC 475***, while considering a similar situation, has recognized the necessity of awarding adequate compensation towards not only the initial cost but also the future maintenance and replacement of prosthetic limbs, and has accordingly granted substantial compensation under that head.

17. More recently, the Hon'ble Apex Court, in ***Prahlad Sahai v. Haryana Roadways, 2026 INSC 396***, has delivered a highly erudite judgment addressing the jurisprudential basis for the computation and award of compensation under the head of "prosthetic limb" in motor accident cases.

18. The relevant extract of the same is reproduced as under:-

> *"18. For the compensation of prosthetic limb(s), no amount has been awarded by the Tribunal or the High Court. It is undisputed among all parties that the appellant is entitled to be compensated towards the cost of purchase of prosthetic limb(s)*

and its maintenance. The only question is, what should be the compensation which is payable.

19. Under Section 168 of the Motor Vehicles Act, 1988, the mandate is to determine a 'just compensation'. Pasayat J., speaking for this Court in ***State of Haryana and Another v. Jasbir Kaur and Others, (2003) 7 SCC 484*** *held as under:-*

> ***"7. It has to be kept in view that the Tribunal constituted under the Act as provided in Section 168 is required to make an award determining the amount of compensation which is to be in the real sense "damages" which in turn appears to it to be "just and reasonable". It has to be borne in mind that compensation for loss of limbs or life can hardly be weighed in golden scales. But at the same time it has to be borne in mind that the compensation is not expected to be a windfall for the victim****. Statutory provisions clearly indicate that the compensation must be "just" and it cannot be a bonanza; not a source of profit; but the same should not be a pittance. The courts and tribunals have a duty to weigh the various factors and quantify the amount of compensation, which should be just.* ***What would be "just" compensation is a vexed question. There can be no golden rule applicable to all cases for measuring the value of human life or a limb. Measure of damages cannot be arrived at by precise mathematical calculations. It would depend upon the particular facts and circumstances, and attending peculiar or special features, if any. Every method or mode adopted for assessing compensation has to be considered in the background of "just" compensation which is the pivotal consideration. Though by use of the expression "which appears to it to be just" a wide***

> ***discretion is vested in the Tribunal, the determination has to be rational, to be done by a judicious approach and not the outcome of whims, wild guesses and arbitrariness. The expression "just" denotes equitability, fairness and reasonableness, and non-arbitrary****. If it is not so it cannot be just. (See* ***Helen C. Rebello v. Maharashtra SRTC [(1999) 1 SCC 90****]."*

(Emphasis supplied)

20. As rightly held in ***Jasbir Kaur (supra)*** *compensation for loss of limbs can hardly be weighed in golden scales and one cannot expect a mathematical exactitude in arriving at a just and reasonable recompense.*

21. This Court in ***Hardeo Kaur v. Rajasthan State Transport Corpn., (1992) 2 SCC 5676*** *regarding assumed life span of a claimant held as under:-*

> ***"6. This Court in Jyotsna Dey v. State of Assam, 1987 ACJ 172 has observed that the span of life should be taken to be 70 years in view of the high rise in life expectancy. It is specially so in the case of Army officers who are disciplined to live an active and energetic life. The courts below were not justified in taking the normal span of life to be 60 years and that of an Army officer 56 years."***

(Emphasis supplied)

22. Further, this Court in ***Md. Shabir (supra)*** *dealing with compensation for purchase and maintenance of prosthetic limb held as under: -*

> ***"23. As per the current compensation given for the prosthetic limb and its maintenance, it would last the Appellant for only 15 years, even if we were to assume that the limb would not need to be replaced after a few years. The Appellant was only 37 years at the time of***

> ***the accident, and it would be reasonable to assume that he would live till he is 70 years old if not more**. **We are of the opinion that** the Appellant must be compensated so that he is able to purchase three prosthetic limbs in his lifetime and is able to maintain the same at least till he has reached 70 years of age. For the Prosthetic limbs alone, the Appellant is to be awarded compensation of Rs. 7,80,000 and for maintenance of the same he is to be awarded an additional Rs. 5,00,000/-."*
>
> *(Emphasis supplied)*

23. What is crucial to note is, this Court fixed the assumed life span of claimant as seventy years and also awarded maintenance cost. This Court also held that average life of a prosthetic limb would be a few years.

24. Our research led us to a web hosted PowerPoint presentation titled "Prosthetic Claims - restitutio in integrum?" by Mr. Steve Love, KC. We have found the presentation, especially the case law referred to therein which we have examined, very useful for the adjudication of the present case.

<u>Are Courts Bound By The Governmental Rates Under The Notification? :-</u>

*25. In **David Pinnington (supra)**, recognizing the entitlement of the disabled individual to opt for a prosthetic limb from a Private Centre and recognizing the legitimacy of computing that amount as a reasonable compensation, it was held: -*

> *"49. Again it seems to me to be very much a matter for the judge to assess. There was not the evidence, as there just might have been in Woodrup, to entitle the judge to indulge in the kind of speculation that Mr. Cotter urged on us. **This was a case in which, bearing in mind what he is entitled to do under the 1948 Act, the judge was entitled to find that it was reasonable for Mr.***

Pinnington to acquire this range of devices and renew them once every five years. He would be acting reasonably in acquiring them from a private centre which would provide him properly for his needs in what is very much a very personal affair....."

(Emphasis supplied)

26. In similar vein, Lloyd Jones J. ***A (suing by her litigation friend Mrs H) v. Powys Local Health Board, [2007] EWHC 2996 (QB)*** *held that if the treatment claimed by the claimant is reasonable, it is no answer for the defendant to point to cheaper options. This principle was extended to assessment of damages in respect of aids and equipment, as is clear from the following extracts from* ***Powys (supra)****.*

> *"94. The basis of assessment is the test of reasonableness as stated in* ***Rialis v. Mitchell, (Court of Appeal, 6 July 1984)*** *and* ***Sowden v. Lodge [2004] EWCA Civ 1370, [2005] 1 All ER 581, [2005] 1 WLR 2129****. The* ***Claimant is entitled to damages to meet her reasonable requirements and reasonable needs arising from her injuries. In deciding what is reasonable it is necessary to consider first whether the provision chosen and claimed is reasonable and not whether, objectively, it is reasonable or whether other provision would be reasonable. Accordingly, if the treatment claimed by the Claimant is reasonable it is no answer for the Defendant to point to cheaper treatment which is also reasonable. Rialis and Sowden were concerned with the appropriate care regime. However, the principles stated in those cases apply equally to the assessment of damages in respect of aids and equipment. In determining what is required to meet the Claimant's reasonable needs it is necessary to make findings as to***

> ***the nature and extent of the Claimant's needs and then to consider whether what is proposed by the Claimant is reasonable having regard to those needs**. (**Massey v. Tameside and Glossop Acute Services NHS Trust [2007] EWHC 317 (QB)**, Teare J at para 59; **Taylor v. Chesworth and MIB [2007] EWHC 1001 (QB)** Ramsay J at para 84."*
>
> *(Emphasis supplied)*

27. Hence, ***we have no hesitation*** *in rejecting the rates prescribed in the Government Notification relied upon by the Insurance Company which, in any event, are abysmally low.*

28. P. Ramanatha Aiyar in his "Advanced Law Lexicon" (3rd Edition 2005) defines restitutio in integrum as follows:-

> *"To restore parties to their original position restitution to the original condition".*

Extending the principle of restitutio in integrum to cases of provision for prosthetic limbs after holding that claimants are entitled to their own choice of procuring a prosthetic limb without relying on the National Health Service, and recognizing the right of periodic replacement, it was held in ***Kerry Donnelly v. Fas Products Ltd 2004 S.CLR 678*** *UK, as under: -*

> *"41. .....She is not obliged to use the National Health Service in order to acquire a prosthesis: Law Reform (Personal Injuries) Act 1948, section 2(4). While I cannot be certain that the pursuer will in fact choose to replace her prosthesis every year, I consider that she is entitled to be put into such a position that she is able to do so.* ***A prosthesis is a poor substitute for lost fingers but it is the only substitute that is available. The principle of restitutio in integrum applies. If it is necessary for the pursuer to succeed in recovering the***

> ***whole life cost of replacement that I find that she probably will replace the prosthesis each year by private purchase*** *(assuming that she is placed in such a financial position as to allow her to do so), then I make that finding......"*
>
> *(Emphasis supplied)*

The only caveat is that the claim should be reasonable. What is also significant to note is the entitlement of the claimant to replacement cost has been recognized.

29. Nearer home, in the case of ***Chandra Mogera (supra)****, Sanjay Karol J. speaking for this Court said: -*

> *"10. The appellant, on account of the amputation above knee would require a prosthetic limb. It is a fact that a prosthetic limb, which is an aid for mobility, is not permanent in nature.* ***It generally has a limited span of usability and usually requires replacement once every 5 years in order to function effectively. The appellant was aged 29 years at the time of filing of the present appeal, and it would be reasonable to assume that he would live at least till the age of 70 years, as a conservative estimate, if not more. Therefore, he would require prosthetic replacement at an interval of every 5 years until he attains the age of 70 years..........."***
>
> *11.* ***We find that in*** *recent cases the claim for compensation against the head of prosthetic limb has often come up for consideration before this Court. Almost in every case, no estimate for cost is provided, either as the basic cost of procurement or for periodic maintenance thereof.* ***It is, as such we direct that henceforth whenever a claim for grant of compensation under the head of Prosthetic Limb/Artificial Limb is filed, then the same shall be***

accompanied with requisite quotations from at least two or three service providers, enabling the Tribunal to make an informed assessment of the actual cost which may be incurred in the future."

(Emphasis Supplied)

This Court in ***Chandra Mogera (supra)****, held that the life span as five years for an artificial limb and the age up to which compensation for artificial limb is to be computed as seventy years. Most importantly, this Court also laid down that henceforth whenever a claim for grant of compensation under the head of prosthetic limb/artificial limb is filed the same shall be accompanied with requisite quotations from at least two or three service providers enabling the Tribunal to make an informed assessment. We concur with the said view and reiterate the said holding.*

30. As would be clear from the discussion hereinabove, our Court has recognized a block of five years as the reasonable replacement period for a prosthetic limb, and we have followed the same.

31. The appellant was thirty-two years in 2007. Applying an assumed life span of seventy years as the maximum for which as a standard formula compensation for prosthetic limb is awarded and calculating the life of one prosthetic limb as five years, the appellant will need seven prosthetic limbs. Insofar as the price is concerned, the appellant has claimed the 2007 price for the first block with interest @ 9 per cent. Though he has claimed for eight limbs the correct proportion to award would be seven limbs, since the amputation happened on 17.07.2009.

32. We are inclined to award, like in ***Md. Shabir (supra)****, a consolidated amount towards the price. We are inclined to grant Rs. 3,00,000/- per limb on a standard basis for seven* *limbs. In view of the fact that a consolidated amount is being paid, no interest from the date of the accident is awarded. Considering that the price has been arrived at by broadly applying the case* ***Md. Shabir (supra)****, which we find reasonable,* ***we are not inclined*** *to proceed on the basis of the notification relied upon by the Insurance Company.*

33. We are also inclined to award cost of maintenance of prosthetic limb at Rs.15,000/- annually. For a block of five years, it would work out to approximately Rs. 75,000/-. We award a consolidated sum of Rs. 5,00,000/- till the assumed life span of seventy years."

19. In view of the aforesaid facts and above referred to judgment of the Hon'ble Supreme Court, the nature of permanent disability suffered by the claimant, and the settled legal position, this Court is of the considered opinion that a consolidated amount of ***₹25,00,000/-*** would be just, fair, and reasonable compensation towards the cost of procurement, maintenance, and future replacement of the artificial limb.

20. Furthermore, learned Tribunal has gravely erred while awarding less amount towards future prospects to the income of the claimant, which is contrary to the settled principles of law. Therefore, **40%** future prospects is to be awarded to the claimant-appellant, as per settled law.

21. A further perusal of the record shows that the learned Tribunal has awarded the compensation on the lower side to the claimant under the head of Pain and suffering, which is required to be enhanced.

22. The Hon'ble Apex Court in the case of '***KS Muralidhar versus R Subbulakshmi and another 2024 INSC 886*** highlighted the intangible but

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devastating consequence of pain and suffering. The relevant portion of the same is reproduce as under:-

> "*15. Keeping in view the above-referred judgments, the injuries suffered, the `pain and suffering' caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs.15,00,000/- under the head `pain and suffering', fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded.*"

23. Therefore, in view of the above judgment and facts and circumstances of the present case, this Court deems it appropriate to grant compensation of ***Rs.3,00,000/-*** under the heads of pain and suffering.

24. Furthermore, meager amount has been awarded by the learned Tribunal under the head of special diet and no amount has been awarded under the head of transportation charges and attendant charges. Accordingly, the impugned award warrants interference and indulgence of this Court for appropriate enhancement of compensation.

RELIEF

25. In view of the above, the present appeal is allowed and award dated 25.09.2015 is modified. Accordingly, as per the settled principles of law as laid down by Hon'ble Supreme Court as mentioned above, the appellant-claimant is held entitled to the enhanced amount of compensation as calculated below:-

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Sr. No.	Heads	Compensation Awarded
1	Income	Rs.7,000/-
2	Loss of future prospects (40%)	Rs.2800/- (40% of Rs.7000/-)
3	Annual Income	Rs.1,17,600/- (Rs.9800 X 12)
4	Loss of future earning on account of 100% disability	Rs.117600/- (Rs.1,17,600/- X 100%)
5	Multiplier of 18	Rs.21,16,800/- (Rs.117600X 18)
6	Pain and suffering	Rs.3,00,000/-
7	Transportation Charges	Rs.50,000/-
8.	Attendant Charges	Rs.50,000/-
9.	Special Diet	Rs.1,00,000/-
10.	Prosthetic limb	Rs.25,00,000/-
11	**Total compensation awarded:-**	**Rs.51,16,800/-**
12	**Deduction:-** Amount awarded by Tribunal	**Rs.15,25,920/-**
	Enhanced amount of compensation	**Rs.35,90,880/- (51,16,800- 15,25,920)**

26. So far as the interest part is concerned, as held by Hon'ble Supreme Court in ***Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma 2019 ACJ 3176*** and ***R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107***, the claimant is granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

27. Respondent No. 3-Insurance Company is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The learned Tribunal is directed to disburse the enhanced amount of compensation

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along with interest in the account of the claimant/appellant. The claimant/appellant is directed to furnish his bank account details to the Tribunal.

28. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

23.04.2026
Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No