
(2025) 09 SC CK 0346

In the Supreme Court Of India

Case No : Civil Appeal No. 8136 Of 2024

Sharad Singh (Dead) Through LR

APPELLANT

Vs

H. D. Narang & Anr

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Citation : (2025) 09 SC CK 0346

Hon'ble Judges : K. Vinod Chandran, J;N.V. Anjaria, J

Bench : Division Bench

Advocate : Vinay Kumar Garg, Sagar Saxena, Gunjan Kumar, J.P.N. Shahi, Shikhar Prakash, Rameshwar Prasad Goyal

Final Decision : Allowed

Judgement

K. Vinod Chandran, J

1. A young man of 20 years was rendered immobile with paraplegia for reason of the fracture of C4-5 sustained in a motor vehicle accident. The claimant/victim, who is now represented by his mother in the appeal, was travelling pillion when a car driven negligently and rashly hit the bike on the back resulting in his falling on the road and being run over by the car. The accident was found to have occurred as alleged. The offending vehicle was driven by its owner R1, which vehicle was also properly insured. In the present appeal, the challenge is against the quantum awarded specifically the income determined and the future medical expenses as evidenced by the bills produced before this Court.

2. The Insurance Company had a contention that many of the bills were of the period before the disposal of the appeal by the High Court. Further, it was contended that the victim who had his permanent residence in Delhi had produced medical bills from the hospitals at Goa and Bengaluru. The learned Counsel for the company expressed the inability of the company to verify such bills and stressed on the aspect of no explanation having been offered for the treatments carried out in places other than the hometown. We were not

impressed with the contention that there was no possibility of the company verifying the bills which the learned Senior Counsel for the appellant asserted were from Goa and not from Bengaluru. The respondent-company having its offices all over India cannot raise such a contention was our finding by order dated 01.08.2025. We were also convinced with the explanation of the appellant that since the victim was paraplegic and was suffering from pneumonia, he had to be shifted to Goa, for reason of the adverse climatic conditions in Delhi, which would have aggravated his affliction. We also directed that the appellant produce the tabulated list of the bills regarding the expenses incurred, after the order of the High Court, till the date of the death of the victim; which are in addition to the bills which were submitted before the Tribunal and the High Court.

3. The Insurance Company has verified the bills preferred and has submitted that the bills with respect to Rs.21 lakhs are genuine. It is also submitted that an amount of Rs.1 lakh was additionally granted by the High Court towards medical expenses. The learned Senior Counsel for the appellant however submitted that many of the bills which were relatable to the expenses before the disposal of the appeal by the High Court could not be produced before the High Court. It was submitted that the pending bills were about Rs.38 lakhs which included the expenses incurred before the appeal was disposed of by the High Court. As of now, the bills produced by the appellant has been verified and an amount of Rs.21 lakhs is admitted to be genuine. Considering the fact that the High Court had modified the award and granted a further Rs.1 lakh, after deducting the same, we are of the opinion that an amount of Rs.20 lakhs is to be paid to the applicant for expenses incurred in sustaining the life of the victim, her son, for 20 years when he was completely bed ridden from 2001 till 2021 with 100% disability as certified by the All India Institute of Medical Sciences.

4. The next contention is regarding the loss of income computed. The appellant was a final year B.Com student who had also enrolled with the Institute of Chartered Accountants of India. The Tribunal adopted an income of Rs.3,339/- per month being the minimum wages applicable to a workman. The High Court found that though he had academic prospects, the victim was yet to attain the qualification, which places the Court at a disadvantage in adopting the income of a Chartered Accountant. The High Court adopted an income of Rs.3,352/-. While the Tribunal adopted a multiplier of 17, the High Court correctly increased it to 18 as is laid down by a Constitution Bench in *National Insurance Company Limited vs. Pranay Sethi and Others* (2017) 16 SCC 680.

5. The Tribunal awarded a total amount of Rs.18,03,512/- which was the total of the medical bills and the loss of income computed as hereinabove mentioned as also Rs.1 lakh for pain and suffering. The High Court increased the quantum of income and awarded a total amount of Rs.7,24,032/- as loss of income with 100% disability. The High Court further awarded an amount of Rs.14 lakhs which included attendant charges, loss of amenities, compensation for pain and suffering, loss of marriage prospects and disfigurement occurred, in addition to

the total medical expenses of Rs.11,22,356/-. The total compensation awarded by the High Court came to Rs.32,46,388/-.

5. The learned Senior Counsel for the appellant argued that there was no rationale in adopting the minimum wages for determining the income of a bright student who was in the process of completing his graduation and proceeding to sit for the Chartered Accountants examinations. The learned Counsel for the Insurance Company first argued that the amounts determined as minimum wages, is as per the schedule in Delhi relatable to a graduate. We were not convinced that the minimum wages would be determined on the basis of the educational qualification alone without reference to the nature of work carried on. The learned Counsel after further verification submitted that minimum wages adopted is of the year 2001 applicable to a skilled worker. We are not convinced that even that can be adopted for a graduate who was in the process of sitting for the Chartered Accountant examination which would have placed him in a good employment with immense prospects. The aspirations of the young man were shattered by the accident which left him paraplegic and fighting for breath, which also prompted the parents to relocate to another part of the country. We are of the opinion that even if he had not obtained the certificate as a Chartered Accountant, upon graduation, he could have been employed as an Accountant, who would have, on any reasonable estimate, received an amount of Rs.5,000/- as monthly income in the year 2001, if the minimum wages prescribed for a skilled worker was Rs.3,352/-. Adopting Rs.5,000/- as monthly income, we are of the opinion that, as has been held in *Pranay Sethi*¹, 40% has to be computed as future prospects. The loss of income for the 100% disabled paraplegic would be Rs.15,12,000/- (Rs.5,000/- x 140% x 12 x 18). To this is to be added an amount of Rs.14 lakhs granted by the High Court under conventional heads and the medical expenses of Rs.11,22,356/- totalling to Rs.40,34,356/-. The total award carrying interest @ 9% per annum from the filing of the petition till realisation, as awarded by the Tribunal & the High Court and enhanced by us will be paid to the substituted appellant within a period of four months from today.

6. In addition, the Insurance Company would also be liable to pay Rs.20 lakhs as future medical expenses incurred by the parents of the victim which shall not carry any interest if paid within a period of four months, but on failure to pay within the stipulated time the same shall carry interest @ 9% from the date of this judgment.

7. The Civil Appeal stands allowed with the above modification.

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