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This article is a tribute to the never die spirit and resilience of our highly capable colleague, Abhimanyu, a smiling face you can always find in the corridors of the Punjab and Haryana High Court.

Introduction

A recent pronouncement of the Supreme Court in **[ABHIMANYU PARTAP SINGH v. NAMITA SEKHON , \(2022-3\)207 Punjab Law Reporter 099 \(SC\) , 2022 Supreme Court eJournal 836, 2022 PLRonline 0070](#)**, has held that in a case under the provisions of the Motor Vehicles Act , while dealing with Permanent Disability the Multiplier method is required to be followed.

Facts:

Claim arose out a road accident occurred on 10.11.1996. At the time of accident, claimant was five and half years of age and a student of UKG, suffered multiple injuries like cerebral edema/brain edema, fracture right part of temporal bone, spinal cord, lower limbs, due to which he was having loss of speech, convulsions, injuries on face. The lower limb of claimant was completely paralysed resulted into 100% disability. His father was a professor and mother an IAS officer, and the claimant was having desire to become Executive/IAS officer because of his background. Claimant later completed his LLB and is a practicing Advocate.

Tribunal awarded Rs.9,00,000/- with interest @ 9% per annum. High court in appeal enhanced the total amount of compensation to the tune of Rs.23,20,000/-. The High Court further directed to pay interest on the enhanced amount @ 7.25% p.a.

Supreme Court granted compensation in pecuniary heads of Rs.46,62,000/- and in non-pecuniary heads Rs.5,00,000/- – Total compensation awarded Rs.51,62,000/- @6.5% interest.

Multiplier method adopted

Court held that not only for Future loss of earning but also for attendant charges the multiplier method should be followed. The multiplier method has been recognized as most realistic and reasonable because it has been decided looking to the age, inflation rate, uncertainty of life and other realistic needs. Thus, for determination of just compensation



to ensure justice with the family of deceased or the injured as the case may be the compensation can be determined applying said method. Tribunal while granting the compensation of future loss as well as earning only for 10 years and attendant charges only for 20 years was held to be not justified. In fact, the said amount was required to be determined applying the multiplier method.

Compensation can be assessed in pecuniary heads i.e. the loss of future earning, medical expenses including future medical expenses, attendant charges and also in the head of transportation including future transportation. In the non-pecuniary heads, the compensation can be computed for the mental and physical pain and sufferings present and in future, loss of amenities of life including loss of marital bliss, loss of expectancy in life, inconvenience, hardship, discomfort, disappointment, frustration, mental agony in life etc.

Discussion

Future loss of earning

Court held that on account of the injuries in temporal region and the permanent disability suffered, he was unable to do his studies as expected or planned and only after sincere efforts he could have passed the LL. B and started the advocate profession Court took judicial notice of the fact that for a proficient advocate the person must be physically fit as he is required to move frequently to attend the professional work reaching from one Court to other, and for movements to complete other professional commitments.

Looking to the nature of injuries and the permanent disablement which the claimant has suffered, i.e., lower limb is completely paralyzed while his upper limb is partially paralyzed having 100% permanent disability resulting in bodily movements being hampered his capacity of being an advocate cannot be equated with other practicing advocate having no deformity in the same profession. The claimant is required to make extraordinary efforts to attend the proceedings in the Court and to come up to the expectations of the client. Holding the disablement suffered to the claimant is for whole life, instead of future loss of earning calculated by the High Court only for 10 years and taking future loss of earning Rs.5,000/- per month court applied the multiplier of 18 as applicable looking to the age, and awarded to Rs.10,80,000/-, in the said head.

Attendant charges

Applying the multiplier method court accept the rate of attendant charges Rs.5000/- per month for 12 hours. Looking to the nature of injuries and disability the claimant is required two attendants at least within 24 hours then the expenses in the head of attendant charges comes to Rs.10,000/- per month and applied Multiplier of 18, awarding a total amount of Rs.21,60,000/- under the said head.

Medical expenses - Future medical expenses

For Physiotherapy - Diapers, regular medical check-up and medical expenses

Physiotherapist would charge at least Rs.150/- per day to treat the patient for one hour which monthly comes to Rs.4,500/- and annually 54,000/-, applying the multiplier of 18, the amount in the head of physiotherapy was awarded at Rs.9,72,000/- .

For the purpose of use of diapers, regular medical check-up and medical expenses if we further add Rs.2,00,000/-

Transportation

In the head of transportation in future, amount in lumpsum Rs.2,50,000/- awarded.

Non-pecuniary damages - “pain, shock and suffering”

Court took into account multiple factors from the date of accident, which include the prolonged hospitalization and regular medical assistance, nature of the injuries sustained, the operations underwent and the consequent pain, discomfort and suffering. The claimant also has had to suffer post-accident agony for whole life, including the amenities of life, which he can enjoy as a normal man but unable to do so on account of permanent disability. Court held that in the era of competition, he can perform better as a normal man but is unable to compete with others which adds to his agony. Compensation was found payable under head of loss of expectation of life, loss of marital bliss, total loss of enjoyment of life and amenities of life, permanent disability, pain and sufferings and awarded a sum of Rs.4,00,000/- in the head of loss of amenities of life and marital bliss, pain and sufferings, loss of enjoyment and loss of expectancy, Rs.1,00,000/- in the head of special diet . Total in non-pecuniary heads, Rs.5,00,000/-.

Interest

Interest @ 6.5% p. a. was awarded from the date of filing the claim petition till its realization. Reduced from @ 7.25% p.a. awarded by the High court.