



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. of 2026
[@ Special Leave Petition (C) No.20897 of 2024]

KU. CHETNA SHARMA

...Appellant

Versus

PAWAN SHARMA AND ORS.

...Respondents

ORDER

Leave granted.

2. On 23.06.2018, a five year old travelling with her mother and grand-mother suffered grievous injuries in an accident caused by the rash and negligent driving of the car. The child is permanently paralyzed by reason of the spinal injuries caused. The Tribunal awarded an amount of Rs.14,84,233/-, which was enhanced by an amount of Rs.6,00,000/- by the High Court in an appeal filed. The appellant/claimant is before us seeking further enhancement.

3. Learned counsel for the appellant relied on the decision in ***Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr.***¹ in which a similar case was considered of a 7 year old child paralyzed in a motor accident. The learned counsel sought for enhancement under the various heads already granted as provided for in the cited decision. It was also claimed that there would be further amounts required for future treatment and care of the child who has been rendered invalid and who suffers from incontinence. The specific plea is raised for the purpose of defraying the expenses towards physiotherapy and diapers and occasional use of catheter.

4. We are convinced that the cited decision applies squarely in this case with reasonable enhancement even from the said decision reckoning the increase in cost of living. The accident in the cited decision occurred in the year 2009 while herein the accident occurred in the year 2018. The cited decision required compensation to be computed at the rate of minimum wages of a skilled labourer and the attendant charges also to be so computed, since a

¹ 2024 SCC OnLine SC 3692

paralysed child would require a skilled attendant to care for her and look after her needs.

5. The minimum wages for a skilled labourer in the year 2018 as is evident from Annexure P1 is Rs.9,560/-, which has to be enhanced with 40% for future prospects and a multiplier adopted of 18. The disability of the appellant is said to be 80% as is revealed from the certificates produced at Annexure P2. The doctor who was examined, whose deposition is produced as Annexure P7, categorically stated that the disability remains for the lifetime of the child. Considering the above circumstances, we are of the opinion that the disability of the child has to be taken at 100%.

6. Under the various heads, amounts have to be granted as has been done in ***Baby Sakshi Greola*¹**. In so far as just compensation being awarded, we are of the opinion that Rs.25,000/- granted for discomfort and inconvenience is covered by pain and suffering, which will stand deleted.

7. In addition, we reckon the contention raised by the learned counsel for the appellant that for continued care of the injured, there is recurring expenditure, which is claimed at Rs.10,000/- per month. A paralyzed child suffering also

from incontinence definitely requires the use of diapers and catheter, which would bring in further financial liability on the care givers; herein the parents. Though Rs.10,000/- was claimed we limit it to Rs.5,000/- per month which also has to be multiplied with the average life expectancy. The attendant expenses also shall be the minimum wages provided for a skilled attendant.

8. On the above reasoning, following the decision in ***Baby Sakshi Greola***¹ the award of the Tribunal as modified by the High Court is further enhanced in the following manner:

Sl. No.	Compensation for	Amount
1.	Loss of earning capacity (9560 x 140% x 12 x 18)	Rs.28,90,944/-
2.	Medical expenditure	Rs.5,54,233/-
3.	Incidental expenses during the 58 days hospitalization	Rs.25,000/-
4.	Attendant expenses (9560 x 12 x 18)	Rs.20,64,960/-
5.	Pain and suffering	Rs.15,00,000/-
6.	Loss of marriage prospects	Rs.5,00,000/-

7.	Expenses for future care (5000 x 12 x 18)	Rs.10,80,000/-
8.	Transportation and special diet	Rs.1,00,000/-
	Total	Rs.87,15,137/-

9. The above amounts shall be paid with interest at the rate as awarded by the Tribunal and confirmed by the High Court within two months from this order after deducting the amounts already paid.

10. The appeal is allowed in the aforestated terms.

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

..... J.
(N. KOTISWAR SINGH)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
JULY 08, 2026.