

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1131 of 2013

Date of decision : March 04, 2016

Minder and another,

..... Appellants

v.

Hardeep Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Nitin Mittal, Advocate
for Mr. BS Dhillon, Advocate
for the appellants.

Mr. Kunal Dawar, Advocate
for respondent No.1.

Mr. Varun Issar, Advocate
Central Government counsel
for respondents No.2 and 3.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This appeal has been filed by the claimants/appellants seeking enhancement of compensation on account of death of a 12 years' old boy.

Brief facts are that on 12.12.2011 at about 5.30 pm, when the deceased Arun Kumar was going back to his home situated near Guga Mari, Sainik Nagar, Babyal, Tehsil and District Ambala Cantt, after attending tuition, the offending truck, being driven by respondent No.1 rashly and negligently, came from Babyal side and hit the deceased. As a result of this

accident, Arun Kumar died at the spot.

The Tribunal held respondent No.1 for causing the accident and awarded a sum of ₹ 1,50,000/- as pecuniary compensation, a sum of ₹ 75,000/- as non-pecuniary compensation, and ₹ 4500/- for funeral expenses.

Counsel for the appellants has argued that in the present case the deceased was 12 years' old boy and was a VIth standard student. However, the Tribunal has erred in not awarding anything towards future prospects. He has relied upon the decision in Kishan Gopal and another v. Lala and others, 2013(4)R.C.R.(Civil) 276, wherein the Hon'ble Supreme Court awarded ₹ 5 lacs in the case of 10 years old boy.

Counsel for respondents No.2 and 3 is not in a position to deny this.

I find that in the present case there is no reason to take a view different from Kishan Gopal's case (supra) and consequently, the compensation is increased to ₹ 5 lacs. The interest rate is maintained.

This appeal stands disposed of in the above terms.

March 04, 2016
`kk'

(AJAY TEWARI)
JUDGE