

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**F.A.O. No.5186 of 2013 (O&M)
Date of Decision : 10.05.2016**

Laxman and another

..... Appellants

versus

Shiv Shankar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Chhavi Dhawan, Advocate
for Ms. Priyanka Dawar, Advocate
for the appellants.

Service upon respondent No.1 already dispensed with.

None for respondent No.2.

Mr. Ravinder Arora, Advocate
for respondent No.3.

1. Whether Reporters of local papers 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 15 years' old boy Om Parkash.

Brief facts are that on 20.08.2012 the deceased alongwith one Sant Ram were going on cycle for their personal work to the shop situated

opposite Terapanth, Sector 11, Faridabad. When they reached the road, in the meantime one motorcycle came from Court More, Sector 12, Faridabad side being driven by its driver rashly and negligently, and hit the cycle of Om Parkash. Due to the accident Om Parkash was dragged on the road with the cycle to some distance while Sant Ram had fallen from the cycle who sustained simple injuries. Om Parkash was taken to Metro Hospital, Faridabad from where he was referred to AIIMS Trauma Centre, New Delhi and just after admission the doctors declared him dead.

The Tribunal held respondent No.1 responsible for causing the accident and awarded lumpsum compensation of Rs.2,80,000/- alongwith interest @ 7.5% p.a.

Counsel for the appellants has argued that in the present case the deceased was 15 years' old boy who was learning welding work. 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 Rs.5 lacs in the case of 10 years old boy.

Counsel for respondent No.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 Rs.5 lacs. The enhanced amounts shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization. The apportionment and management would be as per the direction of the Tribunal.

Appeal stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 10, 2016

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**(AJAY TEWARI)
JUDGE**