

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

**FAO No.4724 of 2014(O&M)**

Date of Decision: December 08, 2017

Mangli and others

...Appellants

Versus

Mukesh Kumar and others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Sahil Abhi, Advocate for the appellants.

Mr.R.N.Singhal, Advocate for  
Insurance Company – respondent No.3.

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**HARINDER SINGH SIDHU, J.**

Parents, three brothers and one sister of Uday Rishi (deceased) are before this Court for enhancement of compensation on account of the his death in a vehicular accident case, which occurred on 27.01.2012 at 7.15 p.m. in the area of Bus Stand of village Fejgarh. They were awarded compensation of Rs.5,68,890/- along with interest by Motor Accident Claims Tribunal, Ludhiana (for short 'the Tribunal). That apart, Mangal Rishi – appellant No.2, the father of the deceased was also awarded Rs.25,000/- towards funeral expenses.

On the fateful day, Uday Rishi was riding on the pillion seat of a bicycle, which was being driven by Chand Kishore Das. When they reached near Village Fejgarh Bus Stand, a truck bearing No.PB-13F-5921 being driven by respondent No.1 Mukesh Kumar in a rash and negligent manner, hit the bicycle from the back side. As a result, Uday Rishi and

Chand Kishore Das fell on the road and received multiple grievous injuries. Firstly, they were taken to Civil Hospital, Khanna, from where, both of them were referred to PGI, Chandigarh, where Uday Rishi breathed his last on 4.2.2012.

The claimants filed claim petition under Section 166 of the Motor Vehicles Act, 1988.

The deceased was a bachelor and doing agricultural work as servant. To determine the compensation, the Tribunal took the age of the deceased as 18 years, assessed his monthly income at Rs.5,000/-, deducted ½ towards his personal living expenses and applied the multiplier of 18. Besides, an amount of Rs.28,890/- was awarded towards medical expenses. In all compensation of Rs.5,68,890/- was awarded to the claimants. In addition, appellant No.2 – father of the deceased was also awarded Rs.25,000/- under the head of 'funeral expenses'.

Feeling dissatisfied with the quantum of compensation, the claimants have filed the instant appeal.

The facts are not in dispute before this Court.

The sole argument raised on behalf of the appellants/ claimants is that the Tribunal has not granted any increase in the income towards future prospects which ought to have been done. Reliance has been placed upon the judgment dated 31.10.2017 of the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP (Civil) 25590 of 2014.**

Having heard learned counsel for the parties and in view of the decision of Hon'ble the Supreme Court in ***Pranay Sethi's*** case (*supra*), the

claimants are entitled to 40% enhancement on account of increase in income towards future prospects. The Tribunal has assessed the 'loss of dependency' at Rs.5,40,000/- (30000x18), which needs to be enhanced to Rs.7,56,000/- [30000+(30000x40/100)x18], i.e. Rs.2,16,000/- (756000-540000) over and above the amount awarded by the Tribunal.

Accordingly, the appeal is allowed to the extent that the appellants are held entitled to enhancement of Rs.2,16,000/- over and above the amount awarded by the Tribunal. The enhanced amount be paid along with interest at the rate of 7.5% per annum from the date of filing of claim application till realisation.

December 08, 2017

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**( HARINDER SINGH SIDHU )**  
**JUDGE**

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |