

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

FAO No. 1409 of 2013 (O&M)
Date of decision : July 05, 2018

Nand Lal and another

..... Appellants

v.

Maghar Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Inder Pal Singh Parmar, Advocate
for the appellants.

Mr. Vinod Chaudhary, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed by the claimants/appellants for enhancement of compensation for the death of their son.

Brief facts are that on 13.6.2007, the deceased-Shiv Kumar and one Ashok Kumar were going on a bicycle and when they reached near Preet Dharam Kanda, little behind from Giaspura Chowk, Ludhiana, the offending vehicle being driven by respondent No.1 rashly and negligently hit them from back side, and as a result of this, the deceased fell down and the truck ran over him and eventually he died. The appellants being his parents filed the instant claim petition. The Tribunal held respondent No.1 responsible for causing the accident. Annual income of the deceased was taken to be ₹ 36,000/-. Since the deceased was bachelor, deduction towards

personal and living expenses was taken to be 50%, and after applying the multiplier as 18, total compensation was assessed at ₹3,24,000/- including ₹ 2,000/- as funeral expenses.

Counsel for the appellants has argued that the Tribunal erred in not awarding anything towards loss of future prospects, and a meager amount has been awarded towards funeral expenses. As per him, in view of the decision of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, 40% should be awarded towards loss of future prospects, a sum of ₹ 13,000/- more as funeral expenses, and a sum of ₹ 15,000/- towards loss of estate.

Counsel for respondent No.3-Insurance Company has no objection to this.

Ordered accordingly. Consequently, this appeal is disposed of with the modification in the Award. Interest shall remain unchanged.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

July 05, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No