

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

FAO No. 4318 of 2014 (O&M)
Date of decision : September 18, 2018

Sudama Devi & another

..... Appellants

v.

Dungar Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arvind Kashyap, Advocate
for the appellants.

Mr. Nikunj Dhawan, Advocate
for Mr. Harsh Aggarwal, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation.

Brief facts are that on 20.2.2012, Ram Pukar Mahato, since deceased, was going to his village Nasrali from the factory on his bicycle and when he reached at red light chowk, Mandi Gobindgarh, the offending truck came from behind and struck against the cycle, and as a result of this accident, the deceased fell down on the road and front tyre of the truck ran over his head and he died at the spot. Hence the claim petition was filed.

The Tribunal held the driver of the offending vehicle responsible for causing the accident. Monthly income of the deceased was assessed as ₹ 4800/- and after applying the multiplier of 18, total compensation assessed came to be ₹ 5,78,000/- including ₹ 10,000/- for

funeral expenses and ₹ 50,000/- towards mental agony.

Counsel for the appellants has argued that the Tribunal has erred in not awarding anything towards future prospects. Counsel for respondent No.3 is not in a position to dispute this. Consequently, I award 40% as future prospects.

Counsel for the appellants has further argued that under conventional heads, only a sum of ₹ 60,000/- has been awarded. Counsel for respondent No.3 also accepts this. Consequently, in view of the decisions of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, and Sureshchandra Bagmal Doshi & Anr v. New India Assurance Co. Ltd & others, 2018(2) RCR (Civil) 841, I grant ₹ 10,000/- more under this head. Rate of interest would be 7.5% on the entire compensation. The entire amount would be given to appellant No.1. There would be no change in the remaining Award. With these modifications in the Award, the present appeal stands disposed of.

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

(AJAY TEWARI)
JUDGE

September 18, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No