

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

**FAO No. 3139 of 2016(O&M)**

**Date of decision : 27.08.2018**

**Ranjit Singh and another**

**..... Appellants**

**versus**

**Ramji Mishra and others**

**..... Respondents**

**CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL**

**\*\*\***

Present: Mr.Siddharth Gupta, Advocate for the appellants.

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

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**REKHA MITTAL , J. (ORAL)**

The claimants are in appeal seeking enhancement of compensation on account of death of Rachhpal Singh, their brother, in a motor vehicular accident that took place on 02.05.2014.

The Tribunal has awarded compensation of ₹ 50,000/-for loss of estate by holding that both the claimants are not dependent upon income of the deceased.

Counsel for the claimants would urge that even if the claimants were not dependent on income of the deceased, they being legal representatives of the deceased are entitled to substantial amount of money towards loss to estate

Counsel representing the insurance company has supported findings of the Tribunal.

I have heard learned counsel for the parties, perused the paper

book and records.

The deceased was 25 years of age, as per the post mortem report. Taking a clue from the notification issued by the Labour Commissioner, Punjab coupled with age of the deceased, his income is assessed at ₹ 6500/- per month. There will be increase in income for future prospects at the rate of 40% and deduction for personal expenses to the extent of 60%. After applying multiplier of 17, loss of estate is calculated at ₹ 7,42,560/- [ (₹ 6500 x 12 x 17) +(40% for future prospects)-(60% deduction for personal expenses)]. In addition, claimants shall be entitled to a sum of ₹ 15,000/- for expenses incurred on funeral/last rites.

Total compensation is ₹ 7,57,560/- and the additional amount is ₹ 7,07,560/-(7,57,560-50,000/-) payable with interest at the rate of 7.5% p.a. from the date of petition till realisation, to be shared by the claimants as per the award.

The appeal is partly allowed in the aforesaid terms.

( REKHA MITTAL)  
JUDGE

27.08.2018

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Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No