

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

FAO No.682 of 2013 (O&M)  
Date of Decision: 27.01.2015

Oriental Insurance Company Limited .....Appellant

Vs.

Jaspal Kaur and others .....Respondents

CORAM: HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN.

Present:- Mr.J.S.Chatrath, Advocate for  
Mr.Ashwani Talwar, Advocate for the appellant.

Mr.I.S.Cooner, Advocate for  
Mr.J.S.Cooner, Advocate  
for respondents No.1 to 5.

Mr.P.P.S.Doabia, Advocate for respondent No.6.

\*\*\*\*\*

**MAHAVIR S. CHAUHAN, J. (ORAL)**

This is insurer's appeal against the award dated 15.11.2012, whereby learned Motor Accident Claims Tribunal, Patiala, (for short 'Tribunal') has awarded a compensation amounting to ₹14,60,000/- in favour of applicants/respondents No.1 to 5 on proof of the fact that deceased-Jaswinder Singh, aged 32 years, an agriculturist by profession and owner of 4 acres of land, died in a motor vehicle accident caused on account of rash and negligent driving of a truck/dumper bearing registration No.PB-11AQ-9162 by respondent No.6-Gurmeet Singh on 08.05.2011 at about 8.30 p.m. The application was brought by the applicants alleging loss of dependency on account of death of the deceased.

Application was resisted by the respondents. Necessary issues were framed. Parties adduced evidence and were heard by the learned Tribunal.

On hearing the parties and appraisal of evidence, learned Tribunal returned findings on all the issues favourable to the applicants and vide award dated 15.11.2012 allowed compensation as herein before stated.

I have heard learned counsel for the parties.

Learned counsel for the appellant submits that the compensation awarded by the learned Tribunal is on the higher side as after death of the deceased the agricultural land is still available. He also relies upon the judgment rendered in **State of Haryana and another Vs. Jasbir Kaur and others, 2003(4) RCR (Civil) 140.**

The contention is resisted by learned counsel appearing for respondents No.1 to 5.

There is no dispute with regard to factum and manner of occurrence as also selection of multiplier and other circumstances relied upon by the learned Tribunal. The only grievance is with regard to assessment of income of the deceased at ₹10,000/- per month. It is argued by learned counsel for the appellant that after death of deceased the agricultural land is still available and there cannot be any reduction as regards income therefrom. However, a perusal of the impugned award would show that the dependants left behind by the deceased are his widow aged about 30 years, mother Jarnail Kaur aged about 55 years, father Karam Singh aged about 60 years in addition to two minor children namely Kamalpreet Singh aged about 10 years and Parneet Kaur aged about 9 years. These persons can hardly contribute anything as regards the agriculture. Assessment of income of the deceased at ₹10,000/- per month or say ₹1,20,000/- per annum cannot be said

to be exaggerated or on the higher side. In the cited judgement, there is no reference to the extent of agricultural land owned by the deceased and as such, no parity can be drawn between that judgment and the instant case.

In view of the above, I do not find any reason to interfere with the well reasoned award passed by learned Tribunal and, therefore, the instant appeal fails and is dismissed.

No costs.

**(MAHAVIR S. CHAUHAN)**  
**JUDGE**

**27.01.2015**  
*anil*