

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

FAO-1297-2013 (O&M)

Date of decision: 25.01.2016

The Oriental Insurance Company Ltd.

...Appellant

Versus

Jasbir Kaur @ Jasvir Kaur and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Anamika Mehra, Advocate for the appellant.

Mr. Achin Gupta, Advocate for respondent No.1.

JITENDRA CHAUHAN, J. (ORAL)

The present appeal has been filed by the appellant-Insurance Company, challenging the impugned Award dated 30.11.2012, passed by the learned Motor Accident Claims Tribunal, Faridkot.

2. The solitary argument raised by the learned counsel for the appellant is that the claimant, who is mother of the deceased, did not suffer from any monetary loss on account of the death of her son, Charanjot Singh, therefore, she is not entitled to any compensation. The learned counsel refers to the testimony of

claimant-Jasbir Kaur and states that the deceased was owner in possession of 8 acres of land at village Sher Singh Wala, Tehsil Faridkot and after his death the land has remained intact. In her cross examination AW2, Jasbir Kaur, has admitted that she has given the said land on lease for an amount of Rs.1,12,000/- per annum.

3. The learned counsel for respondent No.1 has vehemently opposed the present appeal and states that respondent No.1 has suffered pain and shock on the death of her son and has become most miserable and grief stricken.

4. I have heard the learned counsel for the parties and gone through the paperbook.

5. The main argument of the appellant-Insurance Company is that respondent No.1-claimant has the agricultural land and from which she is earning Rs.1,12,000/- as a theka and therefore, she is not dependent upon the deceased. However, this Court does not find any merit in the aforesaid argument of the learned counsel for the appellant. It is not possible to say that no amount need to be awarded towards the loss to the dependency merely because the corpus of the agricultural land is left intact for the dependents. It is settled principle of law that in case of agriculturist, award of compensation to his dependents cannot be

denied merely on the ground that the agricultural land is still owned and possessed by the dependents. Further, when in case of death of non-cultivators who have other properties, the properties remain intact and still damages are awarded, there is no reason why on death of cultivators who have agricultural land, a negative attitude should be taken.

6. In these circumstances, no case for interference is made out.

7. Dismissed.

8. The statutory amount deposited by the appellant-Insurance Company be placed at the disposal of the Tribunal for reimbursement.

25.01.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**