



**FAO-3772-2019 (O & M) &
FAO-2119-2019 (O & M)**

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

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**1. FAO-3772-2019 (O & M)
Date of decision : 17.12.2024**

GINDO DEVI AND ANR APPELLANTS

versus

SACHIN YADAV AND ORSRESPONDENTS

2. FAO-2119-2019 (O & M)

**CHOLAMANDLAM MS GENERAL
INSURANCE COMPANY LTD APPELLANT**

versus

SMT GINDO DEVI AND ORSRESPONDENTS

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Parshant Singh Chauhan, Advocate
for the appellants in FAO-3772-2019 and
respondent in FAO-2119-2019.

Mr. Punit Jain, Advocate for the appellant-Ins. Co. in
FAO-2119-2019 and for respondent in FAO-3772-2019.

Mr. Tarun Yadav, Advocate and
Mr. Nikhil Lohiya, Advocate for respondent No.1 in
FAO-3772-2019.

PANKAJ JAIN, J. (ORAL)

1. These appeals are directed against the award dated
10.12.2018 passed by the Motor Accident Claims Tribunal-II, Rewari.
FAO No.2119 of 2019 has been filed by the Insurance Company and
FAO No.3772 of 2019 has been filed by the claimants. In both the



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appeals, the issue being agitated is qua the quantum of compensation.
The Tribunal tabulated the quantum of compensation, which is as under:-

i	Income of the deceased	Rs.15000/- per month
ii	Future prospects	Rs.3750/- @ 25%
iii	Total Annual Income (18750 x 12)	Rs.2,25,000/-
iv	Less 1/3rd (deducted towards personal expenses of deceased) (2,25,000/3)	-
v	Loss of annual dependency (Rs.2,25,000/- - Rs.75,000/-)	Rs.75,000/-
vi	Multiplier	Rs.1,50,000/-
vii	Loss of future income (1,50,000 x 13)	13
viii	Loss of love and affection	Rs.19,50,000/-
ix	Funeral expenses	Rs.1,00,000/- (Rs.50,000/- each)
x	Loss of Estate	Rs.15,000/-
xi	Loss of spousal and parental consortium	Rs.80,000/- (Rs.40,000/- payable to each of petitioners No.1 and 2)
	Total Compensation payable	Rs.21,60,000/-

2. Mr. Punit Jain, Advocate for the appellant in FAO-2119-2019 points out that there is no proof of the income of the deceased yet the same has been assessed at the rate of Rs.15,000/- per month, despite the fact that the minimum wages notified for the relevant year were Rs.9342/- for the skilled worker. He further points out that the Tribunal erred in granting compensation under both the heads i.e. loss of love and affection and loss of spousal and parental consortium.

3. Per contra, learned counsel for the claimants submits that the



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income earned by the deceased from diary farming has not been considered. However, he is not in a position to dispute that there is no evidence adduced qua the same.

4. I have heard learned counsel for the parties and have carefully gone through the case files.

5. In the considered opinion of this Court, the Tribunal has rightly assessed the monthly income of the deceased as Rs.15000/- per month. He being an agriculturist and having considerable holding of 03 acres of land in the name of his son cannot be equated with the workman to be governed by the minimum wages. Thus no fault can be found that the Tribunal assessing his earnings at the rate of Rs.15000/- per month.

6. Mr. Punit Jain, Advocate, however, has rightly contending that the Tribunal erred in granting compensation under the head of loss of spousal and parental consortium at the rate of Rs.80,000/- and Rs.1,00,000/- for loss of love and affection. Thus an amount of Rs.1,00,000/- granted under the head of loss of love and affection needs to be deducted as Rs.80,000/- stands granted for loss of consortium.

7. With the aforesaid modification in the impugned award, both the appeals are hereby disposed off.

8. Ordered accordingly.

**(PANKAJ JAIN)
JUDGE**

17.12.2024
A.Kaundal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No