IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.2029 of 2015 (O&M)
Date of Decision: October 01, 2015.

Magma HDI General Insurance Co. Ltd.

..........APPELLANT(s).

VERSUS

Harjinder Kaur and others

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vishal Aggarwal, Advocate
for the appellant (s).

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<u>SURINDER GUPTA, J.</u>

This is appeal filed by Magma HDI General Insurance Company Limited against the award dated 23.01.2015 passed by Motor Accident Claims Tribunal, Ropar (hereinafter referred to as the Tribunal), whereby compensation of ₹16,41,200/- was allowed for death of Sukhwinder Singh in a motor accident with Tipper bearing registration No.PB-12-Q-1175.

2. Learned counsel for the appellant has assailed the award passed by the Tribunal on the ground that the Tribunal in the absence of any evidence, has taken the monthly income of the deceased as ₹8,000/- per month, while it should have been taken as per the minimum wages fixed by the authorities which was around ₹5,500/- at the relevant time.

3. As the award passed by the Tribunal has been challenged only on the ground of quantum of compensation allowed, detailed facts of the

case are not being discussed.

4. The accident took place on 22.07.2014 resulting in death of Sukhwinder Singh. As per the claimants, who are wife, children and parents of deceased, Sukhwinder Singh was 27 years of age and was doing job as Mechanic with Hind Motors, Mohali. He was also doing part time work with Raj Motors and getting ₹20,000/- from Hind Motors as salary and ₹10,000/- from Raj Motors for part-time work.

5. In order to prove the income of the deceased, the claimants examined Harjinder Kaur wife of the deceased and Bhagat Singh PW4. The Tribunal discarded the statement of PW4 Bhagat Singh as last salary certificate produced by him pertain to the month of October, 2013 and he was not having any record of employment of deceased with Hind Motors thereafter. The Tribunal assessed the salary of the deceased as ₹8,000/- per month being a skilled worker. After applying a deduction of $1/4^{th}$ of his salary towards personal expenses and applying multiplier of 17, the amount of dependency was calculated as ₹15,91,200/- to which ₹10,000/- towards funeral expenses, ₹5,000/- towards loss of consortium, ₹5,000/- towards loss to the estate and ₹30,000/- towards care and guidance were added to calculate the total compensation amount as ₹16,41,200/-.

6. I find no reason to agree with learned counsel for the appellant that the Tribunal has taken the income of the deceased on higher side. This fact has been admitted that in salary certificate Ex.PW4/C proved on record by PW4 Bhagat Singh, the salary of deceased was shown as more than ₹8,000/- per month. A judicial notice can be taken of the fact that in the year 2014 a skilled worker was not available at the salary of ₹8,000/- per month.

Even the daily wage unskilled worker was getting ₹250/- to ₹300 per day as wages. The assessing of monthly income of the deceased as ₹8,000/- per month, by no means can be termed as on higher side.

7. In view of my above discussion, I find no reason to accept the plea of appellant that the compensation as assessed by the Tribunal is on higher side.

8. No other point has been argued.

10. This appeal has no merits.

11. Dismissed.

(SURINDER GUPTA)
JUDGE

October 01, 2015.
Sachin M.