

THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 7 of 2013

Date of decision : 08.01.2015

New India Assurance Co. Ltd.

.....Appellant

Versus

Meena Rani and others

...Respondents

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Dinesh Kumar Prajapati, Advocate for
Mr. R.S. Madan, Advocate
for the appellant

Mr. Sunil Saharan, Advocate
for respondents No. 1 to 3

Mr. Sandeep Goyat, Advocate
for respondent No. 4

Mr. Tanju Sharma, AAG Haryana
for respondents No. 5 and 6

ANITA CHAUDHRY, J.

This appeal is filed by the Insurance Company seeking modification of the award as the compensation allowed to the claimants was on the higher side.

Learned counsel for the appellant has urged that the claimants had pleaded that the deceased was Carpenter and used to earn ₹ 50,000/- per month but no evidence was led and the Tribunal had held that the deceased was a labourer and the minimum wages

were ₹ 5,500/- per month during that year but as per the notification the minimum wages in that period were ₹ 4630/- p.m. It was urged that no addition towards future prospects should have been added as the matter is under consideration with the Hon'ble Apex Court.

The submission on the other hand was that the deceased was a skilled labourer and the minimum wages of skilled labourer should have been taken into account which were not less than ₹ 5,500/- per month. It was urged that an addition of 50% has to be made as per the latest judgment of the Hon'ble Apex Court and there is no stay and till the matter is finally adjudicated, the addition should be allowed.

A perusal of the record shows that no evidence had been led by the appellant to show that the deceased was a Carpenter or had attained any skill or had taken any contracts. As per the notification of Haryana Government, the minimum wages of a labourer in 2011 were ₹ 4634.89/- which is taken as ₹ 4,644/-. An addition of 50% will have to be made since the deceased was only 28 years old. Taking the income to be ₹ 6,966/- and giving a deduction of 1/3rd the amount available for the family would be ₹ 4,644/- p.m. The annual contribution would come to ₹ 55,728/-. Applying the multiplier 17, the compensation would come to ₹ 9,47,376/-. To this the addition allowed by the Tribunal when added, raises the total compensation to ₹ 10,02,376/-.

It is held that the claimants were entitled to a sum of ₹ 10,02,376/- with interest as allowed by the Tribunal from the date of filing of the appeal till realization. The award is, accordingly,

modified.

There was stay of recovery of compensation in excess of
₹ 8,50,000/-. The remaining amount would be paid by the appellant.

08.01.2015

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(ANITA CHAUDHRY)
JUDGE