

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

FAO-608-2016 (O&M)

Date of decision: 29.01.2016

ICICI Lombard General Insurance Co. Ltd.

...Appellant

Versus

Kamaljit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Amrinder Singh Sidhu, Advocate,
for the appellant.

JITENDRA CHAUHAN, J. (ORAL)

CM-1907-CII-2016

Heard.

CM application is allowed and the delay of 23 days in
filing the appeal is condoned.

FAO-608-2016

1. The present appeal has been filed by the appellant-
Insurance Company, challenging the impugned Award dated
22.09.2015, passed by the learned Motor Accident Claims
Tribunal, SBS Nagar.

2. The solitary argument raised by the learned counsel for the appellant is that without there being any cogent evidence on record with regard to the income of the deceased, the same has been assessed at Rs.9,000/- per month, which is on a higher side.

3. I have heard learned counsel for the appellant and gone through the case file.

4. As far as the income of the deceased is concerned, it has been claimed by the claimants that the deceased was 49 years of age at the time of the accident and he used to earn Rs.12,000/- per month by doing labour work. The learned Tribunal, in the absence of any documentary proof with regard to the earnings of the deceased, assessed the same at Rs.9,000/- per month, i.e. Rs.300/- per day. By no stretch of imagination, this amount can be said to be on the higher side considering the fact that the deceased was married and had been supporting himself and his son, the claimant. He was stated to be hale and hearty at the time of his death. The learned counsel has argued that the amount of Rs.9,000/- assessed by the learned Tribunal is higher than the minimum wages prescribed by the authority concerned during the relevant period. This argument has been noticed but deserves to be rejected as the purpose of fixation of minimum wages is to ensure that no one is under paid considering the price index from time to

time, whereas, there is no bar in paying or earning more than the stipulated amount.

5. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

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

29.01.2016

atulsethi

(JITENDRA CHAUHAN)

JUDGE

Note : Whether to be referred to Reporter : Yes / No.