

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

FAO No.1914 of 2015(O&M)

Date of decision : 14.11.2017

Reliance General Insurance Company Ltd.

..... Appellant

versus

Preeto Kaur and others

..... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Subhash Goyal, Advocate for the appellant.

None for the respondents.

RITU BAHRI, J. (Oral)

The insurance company has come up in appeal against the award dated 01.10.2014 of the Motor Accidents Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal') on the short ground that the income of deceased Surjit Singh who was 50 years of age at the time of his death and had died in a road side accident which took place on 5.7.2012 has been wrongly taken as ₹ 8000/- per month. As per version of the claimants the deceased was a transporter owning two trucks but no evidence could be led in this regard. Therefore, the Tribunal, considering him as a driver on the truck, assessed his income at ₹ 8000/- per month. Keeping in view the fact that the accident took place on 05.07.2012, even as per the minimum wages prevalent at the relevant time, the income of the driver has been rightly taken as ₹ 8000/- month. The Hon'ble Supreme Court in the case of **V.Mekala v. M.Malathi** 2014(2) RCR(Civil) 880 has held that rigid

formula following of the minimum wage cannot be applied for assessing

compensation. Keeping in view the age and occupation of the deceased that he was a driver, his income of ₹ 8000/- per month is not on higher side.

No ground for interference is made out.

Appeal is dismissed.

(RITU BAHRI)
JUDGE

November 14, 2017
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No