

In the High Court of Punjab and Haryana at Chandigarh

FAO- 4595 of 2017(O&M)

Date of Decision:25.8.2017

New India Assurance Company Limited

---Appellant

vs.

Paramjit Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ashwani Talwar, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against award dated 23.2.2017 passed by the Motor Accidents Claims Tribunal, SAS Nagar Mohali (hereinafter to be referred as “the Tribunal”) whereby compensation has been awarded on account of death of Baldev Singh in a motor vehicular accident that took place on 9.7.2016.

Counsel for the appellant would argue that the Tribunal has assessed income of the deceased at Rs. 9000/- per month but minimum wage admissible to a skilled worker at the relevant time was Rs. 8820/- per month. Another submission made by counsel is that the Tribunal has allowed benefit of increase in income for future prospects though the matter in this regard is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India in view of reference made in **National Insurance Company Limited vs. Pushpa.**

I have heard counsel for the appellant, perused the paper book

particularly the award.

As per plea of the appellant, minimum wage available at the relevant time was Rs. 8820/- but the Tribunal has assessed income at Rs. 9000/- per month. There is not much difference between minimum wage and income assessed by the Tribunal warranting intervention by this Court particularly in view of the fact that the provisions of Motor Vehicles Act, 1988 contemplating award of compensation are benevolent social legislation.

So far as the plea with regard to grant of future prospects, the deceased was 35 years old at the time of occurrence. He left behind a family consisting of his widow, three minor children and mother. It is difficult to accept to reason that the deceased would have stagnated at the income assessed by the Tribunal, had he remained alive despite rise in price index. Examined from another angle. State Governments revise the minimum wages at short intervals may be quarterly or half yearly. Under the circumstances, the claimants cannot be denied benefit of future prospects till the judgment in **Rajesh and others vs. Rajbir Singh and others 2013 (3) RCR (Civil) 170** is varied or set aside by Hon'ble the Supreme Court of India.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

25.8.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No