

FAO No.2224 of 2018 (O&M)

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

**FAO No.2224 of 2018 (O&M)
Date of decision:27.04.2018**

Iffco Tokio General Insurance Company Ltd. ... Appellant

Vs.

Parmeshwari and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Manav Bajaj, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.8369-CII of 2018

For the reasons stated in the application which is duly supported by an affidavit, delay of 2 days in re-filing the appeal is condoned.

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Appellant-Insurance Company is aggrieved of the impugned award dated 3.11.2017 rendered by the Motor Accident Claims Tribunal (in short 'MACT') on issue no.2 pertaining to quantum on the premise that respondent-claimants failed to prove on record that deceased Narender, who unfortunately died at the age of 41 years, was having agricultural land and running diary business. While upholding the finding in favour of Insurance Company, MACT assessed the income of deceased ₹10,000/- per month, whereas, daily wages as per the Minimum Wages Act, 1948 (hereinafter

referred as “1948 Act”) at relevant point of time were ₹8,900/- per month, approximately, ₹9,000/- per month, therefore, there is increase of ₹1,000/- per month and by applying the multiplier of 14, there would be considerable increase in the amount of compensation. Insurance Company in insuring the vehicle is not to distribute the largest but disbursed the compensation only to the genuine persons.

I have heard the learned counsel for the appellant-Insurance Company and appraised the paper book.

The age of deceased, i.e., 41 years at the time of death is not in dispute. MACT while taking into consideration his age and other circumstances, instead of strictly applying the formula laid down in the Minimum Wages Act, assessed his income ₹10,000/- per month. Award of the MACT does not suffer from any fallacy or perversity in not taking the income as provided in 1948 Act as the difference in the income taken as per 1948 Act, is only ₹900/- approximately.

I do not find any illegality and perversity in the impugned Award. No ground is made out for interference.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

April 27, 2018
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Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No