

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-2947-2018 (O&M)

Date of decision: 31.05.2018

National Insurance Company Ltd.

..... Appellant

Versus

Sukhwinder Kaur and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Varun Sharma, Advocate for
Mr. Satpal Dhamija, Advocate for the appellant.

RAMENDRA JAIN, J. (ORAL)

CM-11407-CII-2018

For the reasons mentioned in the application which is supported by an affidavit of learned counsel for the appellant-Insurance Company, the same is allowed and delay of 24 days in re-filing the instant appeal is condoned.

FAO-2947-2018 (O&M)

Through this appeal, the appellant-Insurance Company laid challenge to the impugned Award dated 03.01.2018 of the Motor Accident Claims Tribunal, Kurukshetra (for short-'the Tribunal'), awarding compensation of ₹19,97,800/- to respondents No. 1 to 5-claimants, on account of death of Vikram Singh, caused by respondent No. 6-Virender Singh, while driving offending motorcycle bearing registration No. HR-07-X-1870 in a rash and negligent manner, owned by respondent No. 7 and insured by the appellant.

Learned counsel for the appellant-Insurance Company, *inter alia* contends that at the relevant time, minimum wages prescribed by the Government was ₹ 8280/- per month, therefore, the learned Tribunal has erred in awarding compensation to respondents No. 1 to 5-claimants, taking the monthly income of the deceased at ₹ 9000/- without any proof of his income. The learned Tribunal, ought to have considered the income of the deceased equivalent to the minimum wages prescribed by the Government on the date of his death for awarding just and fair compensation to respondents No. 1 to 5-claimants. That apart, the deceased was a Below Poverty Line (BPL) card holder. Therefore, his income ought not to have taken beyond the income limit prescribed by the Government for a BPL card holder.

Having given considerable thought to the submissions made by learned counsel for the appellant-Insurance Company, this Court finds the instant appeal completely devoid of any merit for the reasons to follow:

The BPL card holder is not debarred to earn more than the limit prescribed by the Government for obtaining such card. Respondents No. 1 to 5-claimants have claimed that the deceased as a painter was earning around ₹ 20,000/- per month. In the year 2017, when the deceased died, the daily wages of a daily worker may be around ₹ 300/- per day or more in the open market.

The minimum wages prescribed by the Government from time to time or year to year or half yearly, are only a guiding factor for various fiscal purposes like to calculate per capita income, living condition of its citizens etc. to avoid unfair trade practice and exploitation of man power in unorganized sector. Therefore, the minimum wages prescribed by the

Government cannot be made a rule of thumb, while awarding compensation in a motor vehicular accidental death case.

I have gone through the impugned Award and find no illegality of perversity in the same. This Court is not inclined to differ with the findings recorded by the learned Tribunal. Therefore, the instant appeal being completely devoid of any merit is dismissed.

May 31, 2018
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(RAMENDRA JAIN)
JUDGE

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