

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

FAO No.5210 of 2006

Date of decision: 28.02.2019

Raju

.... Appellant

Versus

Ajit Singh and others

.... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Parshant S. Chauhan, Advocate for the appellant.
Mr. V. Ramswaroop, Advocate for the respondent No.3/
Insurance Company.

B.S. WALIA, J. (ORAL)

[1] Appeal has been filed seeking enhancement of compensation of ₹19,200/- awarded by the Motor Accidents Claims Tribunal, Rewari vide award dated 22.08.2006.

[2] Only submission of learned counsel for the appellant is qua non-award of compensation on account of loss of income.

[3] Learned counsel for the appellant contends that the appellant sustained fracture of lateral condyle and remained in plaster for about six weeks and even for a period of six months thereafter could not move properly, consequently, could not work as a Painter and earn his livelihood. However, no amount has been awarded on account of compensation for loss of income for the aforementioned period of six months.

[4] Learned counsel for the appellant has not been able to refer to any evidence from the record in order to prove that the appellant was earning ₹3300/- per month as claimed by him.

[5] Faced with the aforementioned situation, learned counsel for the appellant contends that minimum wages as on 20.06.2004 in the State of Haryana as per notification issued under the Minimum Wages Act were ₹2050/- per month for an unskilled worker. Accordingly, the appellant is entitled to award of compensation on account of loss of income for a period of six months @ ₹2050/- per month.

[6] Learned counsel for respondent No.3/Insurance Company fairly does not oppose the claim for the loss of income at the rate and period as prayed for by learned counsel for the appellant.

[7] Having considered the submissions of learned counsel for the parties, I am of the view that since the appellant sustained injuries on his leg for which he remained in plaster for a period of six weeks, besides, was also not able to work for a few months thereafter, the appellant is entitled to award of compensation on account of loss of income.

[8] Accordingly, the appellant is held entitled to compensation @ ₹ 2050/- per month for a period of six months.

[9] In the light of the position as noted above, in addition to the compensation awarded by the learned Tribunal, the appellant is held entitled to a sum of ₹ 12,300/- along with interest @ 7.5% per annum with effect from the date of claim petition till date of payment, less payment, if any, made earlier.

[10] Accordingly, the appeal is allowed by modifying Award dated 22.08.2006 passed by the learned Tribunal, Rewari to the extent as noted above.

28.02.2019
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(B.S. Walia)
Judge