

FAO- 5635 of 2018

Date of Decision: 6.9.2019

Mubina Began and others

---Appellants

versus

Jakir and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Ashish Gupta, Advocate
for the appellants**

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Imamuddin in a motor vehicular accident that took place on 28.8.2017.

The sole submission made by counsel for the appellants is that income of deceased assessed by the Tribunal is less than the minimum wage of an unskilled labour even though the deceased was proved to be a vegetable seller.

The Motor Accidents Claims Tribunal, Mewat (in short “the Tribunal”) assessed income of deceased at Rs. 8300/- per month. The accident in question took place on 28.8.2017.

Perusal of notification issued by the State of Haryana fixing minimum wage would reveal that on 1.3.2017 minimum wage of an unskilled labour was Rs. 7568.52/- and that of skilled labour Rs. 8348.52/-. Even on 1.9.2017, minimum wage of unskilled labour was Rs. 7623.50/-. In the given circumstances, there is no justification for allowing addition in

income per month. Counsel has fairly conceded that other criteria adopted by the Tribunal for assessing loss of dependency and compensation under conventional heads is correct. In this view of the matter, there is no justification for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed .

(Rekha Mittal)
Judge

6.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No