

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 6817 of 2018

Date of decision: 12.09.2019

The United India Insurance Co. Ltd.

...Appellant

V/s.

Suman and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Amit Kundra, Advocate for the appellant.

Mr. Sumit Gupta, Advocate for the respondents.

RITU BAHRI, J. (Oral).

The insurance company has come up in appeal against the award of the Tribunal dated 09.07.2018 whereby compensation of Rs.28,14,280/- has been awarded to the claimants on account of death of Vijay, who died in a road accident which took place on 08.06.2017.

Brief facts of the case are that on 08.06.2017 Vijay (since deceased) alongwith his father Baljeet were coming from Village Kharkhara (Rohta) to Ardana in the three wheeler bearing registration No. HR546-D-4179 which was being driven by Baljeet at a proper, normal, moderate speed and on his left hand side of the road. At about 10:50 a.m. when they reached near Village Popra just ahead of 2 KM of village Mohammadpur on Ardana Road, the offending Toyota Liva bearing registration No. HR05-AS-3420 came from Popra side, which was being driven by its driver i.e. respondent No. 1 in a rash and negligent manner and hit against three wheeler of the deceased by coming on wrong side of the road, due to which

accident had occurred and Vijay crushed under the three wheeler and received multiple injuries. After the accident Vijay was taken to Civil Hospital, Assand where he was declared dead. Consequently, the claimants filed a claim petition before the Tribunal.

The insurance company is challenging the award on the ground of quantum of compensation. Learned counsel for the insurance company has argued that the income of Rs.12,100/- p.m. is taken on the higher side. As per the minimum wages prevalent in State of Haryana in the year 2017, the income of the highly skilled labourer was fixed as Rs.10,567/- p.m.

After going through the award, it transpires that the deceased was a Photographer and was running a Video Mixing Lab under the name and style of Surya Studio and Video Mixing Lab, Bus Stand Rohtak and was earning Rs.50,000/- per month. The income of Rs.12,100/- p.m. has been taken as per the DC rates prevalent at that time and calculation of income is based on probabilities and even if the income of the deceased was lower, the Court is bound to take the minimum wages as per DC rates so that the reasonable compensation be given. Hence, no ground is made out to recalculate the compensation by taking the income lower than Rs.12,100/-p.m.

Appeal is dismissed.

(RITU BAHRI)
JUDGE

12.09.2019

Divyanshi

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No