

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

FAO No. 6200 of 2019(O&M)

Date of decision: 1.10.2019

Shri Ram General Insurance Co. Ltd.Appellant

VERSUS

Balwinder Kaur and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajbir Singh, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

Challenge in the present appeal has been directed against award dated 29.07.2019 passed by the Motor Accidents Claims Tribunal, Gurdaspur (in short 'the Tribunal') whereby compensation has been assessed on account of death of Gurpreet Singh in a motor vehicular accident that took place on 06.12.2017.

Counsel for the insurance company would inform that the appeal has been preferred to assail only quantum of compensation.

The Tribunal has awarded Rs.21,72,400/-, represented in a tabulated form in para 20 of the award.

The sole submission made by counsel for the appellant is that the Tribunal has wrongly assessed income of the deceased at Rs.15,000/- per month whereas minimum wage of a highly skilled person at the relevant time was Rs.10,300/- per month.

Perusal of the award would reveal that as per case set up by the claimants, the deceased was working with M/s Bhoma Construction

Company, Amritsar as well as New Little Scholars Academy, Mehta Road, Batala thereby earning Rs.27,317/- per month. The Tribunal has ignored the evidence adduced in respect of employment of the deceased with the aforesaid company. Nevertheless, by taking into consideration educational qualification of the deceased who had done Master of Business Administration, the Tribunal assessed his income at Rs.15,000/- per month. A graduate in M.B.A. cannot be equated even with a highly skilled person in view of the minimum wage fixed by the State of Punjab at the relevant time. In the given circumstances, I do not find any reason to interfere in assessment of income made by the Tribunal. Counsel would state that other criteria adopted by the Tribunal is in complete consonance with the judgment of Hon'ble the Supreme Court National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine. However, nothing stated hereinbefore shall cause prejudice to the claimants in case they file an appeal for enhancement. The statutory amount of Rs.25,000/- be remitted to the Tribunal for payment to the claimants.

OCTOBER 1, 2019
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no