

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-7135-2019 (O&M)
Date of decision: 16.12.2019

New India Assurance Co. Ltd.

...Appellant

V/s.

Geeta Devi and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. R.C.Kapoor, Advocate
for the appellant.

RITU BAHRI, J. (Oral).

The insurance company has come up in appeal against the award of the Tribunal dated 21.09.2019 whereby the claimants have been awarded compensation of Rs.21,18,320/- on account of death of Prem Pal, who died in a road accident which took place on 02.12.2017.

Brief facts of the case are that on 02.12.2017 at about 6:15 p.m., Prem Pal (deceased) was going from Majri Chowk, Panchkula to Sector-20, Panchkula on his bicycle and when he reached near Goga Madi of village Maheshpur, Sector-21, Panchkula, a Fiat Punto Car bearing registration No.HP-03C-3094 came from behind. The said car was driven by respondent No.1 rashly, negligently and at high speed. The driver of the car brought his car on the extreme left side of the road and hit against rear portion of bicycle of Prem Pal. As a result, deceased Prem Pal suffered multiple injuries and was taken to General Hospital, Sector-6, Panchkula from where he was referred to PGI, Chandigarh where he died on

02.12.2017. Consequently, the claimants filed a claim petition before the Tribunal. The Tribunal awarded compensation of Rs.21,18,320/- to the claimants.

Learned counsel for the insurance company argues that the income of the deceased Prem Pal has been taken as Rs.11,990/- p.m. keeping in view DC rates of unskilled labourer for the financial year 2017-2018 as per the notification issued by the Deputy Commissioner, Panchkula. He contends that the minimum wages in the year 2017 was Rs.8,280/- of unskilled labourer which were lower than the DC rates and the calculation has been done while taking the income of the deceased on higher side. He has also referred judgments passed by this Court in *FAO No. 2377 of 2017* titled as *National Insurance Co. Ltd. V/s. Jameet Ram and others*, *FAO No.3239 of 2016* titled as *New India Assurance Co. Ltd. V/s. Smt. Surti Devi and others* and *FAO No. 4712 of 2015* titled as *United India Insurance Co. Ltd. V/s. Smt. Neelam and others* to support his contention.

A perusal of the award shows that the deceased was working as Weldor with Jai Pal Welding Work and therefore he had to be taken as skilled labourer. The minimum wages of skilled labourer prevalent in State of Haryana were Rs.10,061/- and the Tribunal had taken the income of Rs.11,990/- as per DC rates. There is a slight difference in the wages. Hence, no ground to interfere in the order dated 21.09.2019 is made out.

Dismissed.

Pending application also stands dismissed.

(RITU BAHRI)
JUDGE

16.12.2019

Divyanshi

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No