

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1811 of 2020 (O&M)

Date of Decision: 12.03.2020

Reliance General Insurance Company Ltd.

.....Appellant

Vs.

Puran Singh and others

.....Respondents

FAO No. 1812 of 2020 (O&M)

Reliance General Insurance Company Ltd.

...Appellant

vs.

Mukesh Kumar @ Mukesh and others

....Respondents

FAO No. 1813 of 2020 (O&M)

Reliance General Insurance Company Ltd.

...Appellant

vs.

Balku Devi and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Subhash Goyal, Advocate,
for the appellant.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the appellant submits that since it is difficult to quantify the income of a house-wife, co-ordinate Benches of this court had been taking it to be that of a skilled worker, which in Himachal Pradesh, as on the date

of the accident, was Rs. 8,075/- per month and not Rs. 9,000/- (as has been taken by the Tribunal).

Mr. Goyal submits that all the three deceased ladies on account of whose unfortunate death the claim petitions were filed by their legal heirs, seeking compensation, were all from Himachal Pradesh and consequently, the minimum wages of a skilled worker as applicable to that State, was to be taken into consideration by the Tribunal.

Having considered that argument, other than the fact that the notification of minimum wages of a skilled worker were not led by way of evidence before the learned Tribunal, but nevertheless even if this court were to accept that upon an application being filed under the provisions of Rule 27 of Order 41 of the Code of Civil Procedure (this being a first appeal and a notification dated 07.08.2018 has been produced in court today by learned counsel for the appellant), it is seen that the learned Tribunal has assessed the income, notionally, to be Rs. 9,000/- per month.

The notification referred to above, dated 07.08.2018, shows the minimum wages of a skilled worker to be Rs. 8,075/- per month, as on that date, with the accident in question having taken place on 22.09.2018.

That being so, it cannot be said that a housewife must be taken to be notionally earning only minimum wages of a skilled worker and not a little higher amount, looking at the responsibilities that fall upon her, as regards looking after children & family, household chores etc.

Of course, if the notional income fixed by the Tribunal had been far above the minimum wages of a skilled worker, that would have been a different issue.

However, in the present case, such income having been assessed at

Rs. 925/- per month over and above the admitted minimum wages notified by the Government of Himachal Pradesh, I see no ground to entertain these appeals on the question of quantum of sentence, with no other aspect of the impugned Award having been challenged, as is very fairly submitted by Mr. Goyal.

Consequently, these appeals are dismissed in *limine*.

March 12, 2020	(AMOL RATTAN SINGH)
nitin/dinesh	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	Yes