

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

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FAO No.6923 of 2015 (O&M)

Date of decision: 06.03.2020

KAMLA DEVI AND ORS

... Appellants

Versus

KAMAL PAL & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Sharma, Advocate for the appellants.
Mr. Deepak Suri, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Gokal Chand, in the course of employment as driver on Toyota Qualis bearing No.HR-39-A-3733 owned by Kamal Pal respondent No.1.

The sole submission made by counsel for the appellants is that the Tribunal has assessed wage of the deceased at Rs.3500/- per month but the same should be at a higher rate. It is argued that as the deceased was a skilled employee being driver of the aforesaid vehicle, his income is liable to be assessed at least @ Rs.6000/- per month. For this purpose, reliance has been placed upon judgment of Hon'ble the Supreme Court **Minu Rout and another Vs. Satya Pradyumna Mohapatra and others, 2013 (10) SCC 695.**

Counsel representing the insurance company, on the contrary, has supported assessment of income of the deceased.

Perusal of the impugned order would reveal that Kamla Devi, widow of the deceased appeared in the witness box to support her case for grant of compensation. She had stated in clear and categorical terms that her husband was working as driver on the aforesaid vehicle at a salary of Rs.3500/- per month. Keeping in view the above, the appellants cannot derive any advantage to their contention from the referred authority rendered in view of peculiar facts and circumstances of that case.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and

is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

06.03.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No