

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

FAO-2994-2021 (O&M)

Date of decision: 12.11.2021

Oriental Insurance Company

....Appellant

Versus

Sumer Deen and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Mayank Mathur, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The Insurance Company assails the correctness of the award passed by the Motor Accident Claims Tribunal (hereinafter referred to as 'the Tribunal') while allowing the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, on account of death of late Sh. Tohid Khan, aged about 20 years. The Insurance Company assails the impugned order only on the ground that the Tribunal has failed to take note of the minimum wages notified by the Labour Department in State of Rajasthan where the deceased was residing. It is the case of the claimants that late Sh. Tohid Khan was running a small eating joint in village Chikani, District Alwar. However, no documentary evidence to substantiate the plea was produced. The Tribunal keeping in view the facts of the case, assessed the income of the deceased at Rs.8500/- per month, particularly, when the accident took place on 20.06.2019.

Learned counsel representing the appellant contends that once it is proved that the deceased was residing in the State of Rajasthan,

therefore, the Tribunal erred in ignoring the minimum wages notified by the Labour Department.

This Bench has considered the submission, however, finds no merit therein. The notification issued by the Labour Department is only for notifying the minimum wages payable in the State. No doubt, sometimes the Tribunal uses the same for the purpose of guidance, however, such notification cannot be held to be binding. In the present case, a young boy of 20 years has lost his precious life in an automobile accident. The Tribunal has awarded Rs.13,15,200/- as compensation to the parents.

In view thereof, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

12.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE