

In the High Court of Punjab and Haryana, at Chandigarh

F.A.O. No. 3606 of 2021 (O&M)

Date of Decision: 22.12.2021

National Insurance Company Limited.

... Appellant(s)

Versus

Smt. Rajbala alias Rajbala Devi and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harjinder Singh, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The insurance company assails the correctness of the award dated 07.10.2021, passed by the Motor Accidents Claims Tribunal, Jind (hereinafter referred to as “the Tribunal”), while allowing the claim petition, filed by the claimants under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the 1988 Act”).

2. Sh. Randhir Singh lost his precious life in an automobile accident, which took place on 29.06.2019. At the relevant time, the deceased was going on his bicycle to his farmland when one car bearing registration No. HR-31-P-0579 mowed him down. The manner in which the accident took place and the findings of involvement of the offending vehicle as well as the rash and negligent driving of Sharvan Kumar is not disputed.

3. The learned counsel representing the appellant contends that the Tribunal has erred in assessing the income of the deceased @ ₹13,850/- per month. He submits that the Tribunal was bound to assess the income on the

basis of the Minimum Wages Act, 1948 (hereinafter referred to as “the 1948 Act”).

4. The Tribunal has assessed the income on the basis of the minimum wages notified by the Deputy Commissioner of the district. The accident took place on 29.06.2019. The notification, issued under the 1948 Act is only to help the Tribunal to assess the income in the absence of any documentary evidence. However, such notification is not binding on the Tribunal. The Tribunal is well within its right to assess the income on the basis of the evidence available.

5. The Tribunal has, fairly and appropriately, assessed the income on the basis of the notification issued by the Deputy Commissioner of the district.

6. Keeping in view the aforesaid facts, no ground is made out to interfere. Consequently, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

December 22, 2021
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No