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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 23.02.2021

+ MAC.APP. 108/2021

MADHU RANI AND ORS.

..... Appellants

versus

USHANT DIGANI AND ORS

..... Respondents

Advocates who appeared in this case:

For the Appellants: Mr. Sanjeev Kumar, Advocate.

For the Respondents: Mr. Rudra Kahlon, Advocate for R-3.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.7383/2021(exemption)

Exemption is allowed subject to all just exceptions.

MAC.APP.108/2021

1. The hearing was conducted through video conferencing.
2. Issue notice. Notice is accepted by learned counsel appearing for respondent no. 3. Since there is no dispute with regard to the liability of the Insurance Company viz-a-viz the driver and owner of

the offending vehicle, service of respondents no. 1 and 2 is discharged.

3. The only point raised by learned counsel for the appellants is that the Tribunal has taken the minimum wage at Rs.16,182/- of a matriculate person and erred in not noticing the latest notification of the Government stipulating the minimum wage of a matriculate at Rs.16,962/-.

4. Learned counsel for the respondent no.3/Insurance Company concedes that a fresh notification had been issued stipulating the minimum wage of a matriculate person at Rs.16,962/-.

5. Since the appropriate Government had issued a fresh notification stipulating the minimum wage at Rs.16,962/-, clearly the Tribunal committed an error in taking the minimum wage at Rs.16,182/-.

6. In that view of the above infirmity the award is liable to be modified to the said limited extent. The minimum wage for the purposes of computing the compensation shall be taken as Rs.16,962/- instead of Rs.16,182/-.

7. The Award is, accordingly, modified to the said extent. The award is accordingly remitted to the Tribunal for the limited purpose of re-computing the compensation by taking the minimum wage at Rs. 16,962/- instead of 16,182/-.

8. Since there is no other dispute raised by the appellants, remaining Award is accordingly upheld.

9. Parties shall appear before the Motor Accident Claim Tribunal on 12.03.2021. Tribunal shall re-compute the amount in terms of the direction issued herein within a period of three weeks from the said date. Insurance company shall deposit the amount within a period of three weeks thereafter.

10. The appeal is allowed in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 23, 2021

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