

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

FAO-1265-2022 (O&M)

Date of decision: 31.03.2022

Oriental Insurance Company Limited

....Appellant

Versus

Sube Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjiv Pabbi, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

The Insurance Company assails the correctness of the award passed by the Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as 'the Tribunal') only on the ground of quantum of compensation.

Some facts are required to be noticed. Late Sh. Satyaveer lost his precious life in an automobile accident on 19.05.2018. His widow, two minor children and parents filed a claim petition under Section 166 read with Section 140 of the Motor Vehicles Act, 1988. The Tribunal, after noticing that no documentary evidence to prove the income of the deceased has been produced, chose to rely upon the minimum wages fixed by the Deputy Commissioner, Gurugram.

Learned counsel representing the appellant contends that the Tribunal committed an error while assessing the income of the deceased on the basis of the minimum wages fixed by the Deputy Commissioner, Gurugram in preference to the minimum wages fixed by the Labour Commissioner under the Minimum Wages Act, 1948. He further

contends that the parents are not entitled to the parental consortium.

Both the arguments of the learned counsel representing the appellant are no longer res integra. This Bench, after considering the various judgments, passed by the Co-ordinate Benches, has held that the Presiding Judge of the Tribunal in the facts of each case is entitled to assess the income of the deceased either on the basis of the notification issued by the Labour Commissioner or under the Minimum Wages Act, 1948 by the Deputy Commissioner.

The attention of the Court has not been drawn to any statutory provision which mandates the Tribunal to assess the income purely on the basis of the notification by the Labour Commissioner under the Minimum Wages Act, 1948.

As regards second argument, reliance can be placed on **Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others 2018 (4) RCR(Civil) 333, New India Assurance Co. Ltd. vs. Somwati and others Civil Appeal No.3093 of 2020, decided on 07.09.2020 and United India Insurance Company Ltd. vs. Satinder Kaur @ Satwinder Kaur and others, (2020) SCC Online 410.**

Hence, no ground to interfere is made out.

Dismissed.

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

31.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE