

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

**FAO No.4432 of 2019 (O & M)
Date of Decision:-30.11.2022**

Iffco-Tokio General Insurance Company Ltd.

...Appellant

Versus

Sandeep Ranga and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Abhinav Singla, Advocate for
Mr. Amit Goyal, Advocate
for the appellant.

NIDHI GUPTA J.(Oral)

This is an appeal against the Award dated 25.4.2019 passed by the Motor Accident Claims Tribunal (here-in-after referred as 'MACT'), Rohtak in MACT Case No.57 of 2018.

The only ground raised by the appellant-Insurance Company is that the Tribunal has taken the income of the deceased to be Rs.12,700/- per month on the DC rates; whereas the income should have been Rs.8497/- per month as per the Labour Department, Government of Haryana Notification dated 15.5.2018 applicable from 01.01.2018.

It is not in dispute that the deceased was running a tea stall and as per the claimants, the deceased was earning Rs.15,000/- per month. However, they are unable to prove the income of Rs.15,000/- per month of

the deceased. It is in that situation, the learned Tribunal assessed the income of the deceased as Rs.12,700/-.

Learned counsel for the appellant-Insurance Company has placed reliance upon the judgment passed by this Court in ***Shri Ram General Insurance Company Ltd. and others vs. Beant Kaur and others*** 2019(3) SCT 684 as per which the minimum wages in State are fixed in particular manner as per statutory provisions.

I have heard learned counsel for the appellant-Insurance Company and gone through the case file carefully.

I find no error in the assessment made by the learned Tribunal in its Award dated 25.4.2019. Moreover, the appeal is of the year 2019 and perusal of interim orders passed in this appeal shows that nobody had put in appearance on behalf of appellant to pursue the present appeal on 03.12.2019 and 11.10.2022. As such, at this belated stage, this Court sees no reason to interfere as the compensation has already been disbursed to the claimants. Furthermore, learned counsel is unable to show that this argument was raised by the appellant-Insurance Company before the learned Tribunal.

Consequently, the appeal is hereby dismissed.

November 30, 2022
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No