

In the High Court of Punjab and Haryana, at Chandigarh

1. F.A.O. No. 3583 of 2022 (O&M)
 United India Insurance Company Limited
 ... Appellant(s)

Versus

Rajbir Singh and Others
 ... Respondent(s)

2. F.A.O. No. 3584 of 2022 (O&M)
 United India Insurance Company Limited
 ... Appellant(s)

Versus

Amarjit and Others
 ... Respondent(s)

AND

3. F.A.O. No. 3587 of 2022 (O&M)
 United India Insurance Company Limited
 ... Appellant(s)

Versus

Mamtesh and Others
 ... Respondent(s)

DATE OF DECISION: 26.08.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikas Mohan Gupta, Advocate
 for the appellants.

Anil Kshetarpal, J.

1. In all these three appeals, filed by the insurance company, a common award, passed by the Motor Accident Claims Tribunal (hereinafter referred to as “the Tribunal”) while deciding the various claim petitions arising from the same automobile accident, has been challenged. The

Tribunal, after appreciating the evidence, has allowed the claim petitions. In the aforesaid accident, two persons have lost their precious lives, whereas, one has suffered 17% permanent disability.

2. The learned counsel representing the appellant contends that the Tribunal, while assessing the income, has relied upon the minimum wages fixed by the Deputy Collector of the District Karnal, rather than on the minimum wages fixed by the Labour Commissioner under the Minimum Wages Act, 1948. The accident took place on 14.03.2020. The deceased were the residents of Karnal. The Tribunal has assessed the income @ ₹14,610/-, which is as per the minimum wages fixed by the Deputy Collector of the District Karnal. In the considered opinion of the Court, the Tribunal is not bound to accept the minimum wages notified by the Labour Commissioner. The Tribunal is required to analyze the evidence in the peculiar facts of the case and decide the income. In the present case, the Tribunal has relied upon the rates notified by the Deputy Collector of the District Karnal.

3. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, all the three appeals are dismissed. The miscellaneous application(s) pending, if any, in all the three appeals shall stand disposed of.

(Anil Kshetarpal)
Judge

August 26, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No