

**FAO-4517-2022 (O&M)  
and other connected cases** 1

**153-1 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

### 1.FAO-4517-2022 (O&M)

Oriental Insurance Company Limited  
....Appellant

## Versus

Smt. Sudesh and others

..Respondents

## 2.FAO-4518-2022 (O&M)

Oriental Insurance Company Limited  
.....Appellant

Versus

Meenu and others ..Respondents

### 3.FAO-4519-2022 (O&M)

Oriental Insurance Company Limited  
.....Appellant

Versus

Davinder and others

..Respondents

#### 4.FAO-4520-2022 (O&M)

Oriental Insurance Company Limited  
.....Appellant

Versus

Smt. Usha and others ..Respondents

## 5.FAO-4521-2022 (O&M)

Oriental Insurance Company Limited  
.....Appellant

Versus

Smt. Chandan Devi and others

..Respondents

Oriental Insurance Company Limited  
....Appellant

Smt. Gulabi Devi and others

..Respondents

Oriental Insurance Company Limited  
....Appellant

Smt. Punita Dubey and others ..Respondents

Oriental Insurance Company Limited  
....Appellant

Smt. Punita Dubey and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Mr. Rajiv Kumar Sain, Advocate for  
caveator/respondent no.1 to 5  
in FAO-4523-2022

REKHA SIHAG  
2022.11.30 16:57  
I attest to the accuracy and  
authenticity of this order/judgment.  
Chandigarh

**CM-13726-CII-2022 in FAO-4517-2022**

1. After hearing the learned counsel for the applicant and for the reasons stated in the application, delay of 99 days in filing the appeal is condoned.

CM stands allowed.

**Main cases**

2. These eight appeals have been filed by the Insurance Company assailing the correctness of a consolidated award dated 11.02.2022 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal'). In fact, the claim petitions under Section 166 of the Motor Vehicles Act, 1988, were filed on account of death of 8 persons whereas the remaining were on account of the injuries suffered by the claimants. The factum of the accident, correctness of the findings with regard to the involvement of the vehicle, rash and negligent driving are not disputed before this Court.

3. The Tribunal has already held that deceased Sh.Ravinder Singh, driver of Mahendra Pick up Van was contributorily negligent. The accident took place between a truck and a Mahendra Pick up Van, resulting in death of as many as 8 persons.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the impugned judgment.

5. Learned counsel representing the appellant contends that the Tribunal has erred in relying upon the daily wages notified by the Deputy Commissioner of the District rather than on the minimum wages notified by the Labour Commissioner for the workmen.

6. This Court has considered the submission of the learned counsels. The accident took place on 31st July, 2007. Late Sh.Ravinder Singh was admittedly doing driving for earning bread and butter for this family. The Tribunal has assessed his income at the rate of Rs.12,100/- per month. He was a skilled worker. He was driving a loaded light transport vehicle namely Mahindra Pickup Van. Moreover the attention of the Court has not been drawn to any statutory provisions, which mandates the Tribunal to assess the income only on the basis of the notification issued by the Commissioner of the District notifying the minimum wages. The Deputy Commissioner of the district has a better knowledge of the availability of the labour force and their wages.

7. Learned counsel representing the appellant has only questioned the assessment of the compensation in all the appeals on the similar grounds. Learned counsel did not make any other submission.

8. In view of the aforesaid facts, all the appeals are dismissed. However, this order shall only operate qua the rights of the Insurance Company and shall not be construed as final expression on the quantum of compensation or other issues not dealt with in these appeals.

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

17.11.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)  
JUDGE**