

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

114

FAO-5198-2022(O & M)

Date of decision: 12.12.2022

United India Insurance Co.Limited

..... appellant

VS

Sarajit and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr.Harsh Aggarwal, Advocate
for the appellant

ALOK JAIN, J. :

The present appeal has been filed raising challenge to the Award dated 02.08.2022, whereby the learned MACT, Gurugram has allowed the claim petition and granted compensation of Rs.23,62,900/- to the claimants on account of the death of their son Ajay Singh in the road accident.

Learned counsel for the appellant has contained his arguments only on the issue of quantum of compensation and has contended that the learned Tribunal has fell in error in taking the income as Rs.14,900/- per month, without there being any proof much less any documentary proof to demonstrate that the deceased was working in the State of Haryana. He contends that as per the Aadhar Card, the address of the deceased was of Alwar Rajasthan and even the address of the mother of the deceased is of Rajasthan. He further submits that the accident also took place in Rajasthan and only the claim petition was filed in Gurugram as the claimants' father was working in the State of Haryana.

The said argument of the appellant is devoid of any merit for

the reason that the claimants had categorically stated in their claim petition that the deceased was doing a job at Dharuhera in a company which is situated in District Rewari, Haryana. More so, the only reason for not accepting the income of the deceased was that the same could not be proved, however the Insurance Company did not lead any evidence to establish that the deceased was not working only in the State of Haryana.

The learned MACT while holding and considering the claim in the light of the fact that the legislation for compensation is a beneficiary piece of legislation, more so the loss of the child is an irreparable loss for the parents, which cannot be compensated in terms of money has rightly granted the compensation. The learned Tribunal has rightly applied the minimum wages rates of unskilled person in Rewari District, although, it could have also considered the DC rates applicable in the District Rewari, as there was no cogent proof to disbelieve that the deceased was not working in the State of Haryana.

Accordingly, in the light of the above, the submissions made that the minimum wages of Rajasthan should have been applied instead of minimum wages of State of Haryana to calculate the compensation, is negated as there is no evidence led by the Insurance Company to demonstrate that the deceased was not working in the State of Haryana.

Finding no infirmity and illegality in the order passed by the learned Tribunal, the appeal stands dismissed.

(ALOK JAIN)
JUDGE

12.12.2022

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Whether speaking/reasoned : Yes/No Whether Reportable : Yes/No.