

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**FAO-607-2023 (O&M)
DATE OF DECISION: 03.02.2023**

NATIONAL INSURANCE CO. LTD. ... Appellant (s)

Versus

NEELAM AND ORS ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Gopal Mittal, Advocate
for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant has challenged the award of the Tribunal dated 01.11.2022.

Learned counsel for the appellant submits that the income of the deceased, which has been quantified as Rs.14,000/- per month, is on the higher side especially when no documentary evidence was led in that regard.

Heard.

The challenge in this petition is only to the income of the deceased, which has been assessed as Rs.14,000/- per month, to quantify the compensation for the death of Satish Kumar who is the son and brother of the claimants. The Tribunal has apparently relied upon the minimum wages prevailing in the State of Haryana for unskilled labour as Rs.14,000/- per month. Learned counsel for the appellant submits that the minimum wages for labour at that time were Rs.9,024/- per month.

In response to the query of this Court as to what were the minimum wages for skilled workers at that time, learned counsel submits that it was Rs.11,517/- per month for skilled workers and D.C. rates for monthly wages were Rs.14,900/- per month in the year 2019.

The appellant was stated to be engaged in tailoring and embroidery work and the claimants had stated that his monthly income was Rs.30,000/- per month. The deceased was around 31 years of age at the time of the accident. If he was doing tailoring and embroidery work, his income would be more than Rs.14,000/- per month but it is difficult to obtain documentary evidence with regard to tailoring and embroidery work unless he was a reputed tailor or embroider having his own premises. In that case his income would have been a lot more. I do not find any infirmity in the award of the Tribunal assessing the income of the deceased to be Rs.14,000/- per month while computing the compensation especially when the D.C. rates at that time were Rs.14,900/- per month. The compensation under other heads is in accordance with law laid down in the judgment of the Supreme Court in the case of **National Insurance Company Limited Vs. Pranay Sethi and others**, reported as **2017 (4) RCR (Civil) 1009 (SC)**.

Consequently, I do not find any merit in this appeal which stands dismissed.

Civil miscellaneous application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

03.02.2023

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No