

2023:PHHC:119098

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

FAO-4837-2023 (O&M)
Date of decision: 11.09.2023

Universal Sompo General Insurance Company Limited

..Appellant

Versus

Surjeet Singh and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Chandandeep Singh, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. Learned counsel representing the appellant very fairly states that the connected appeal i.e FAO-4563-2023 titled as '**Universal Sompo General Insurance Co.Ltd. vs. Murti and others**' involving an identical issue has already been decided by this Court, on 29.08.2023, with the following order:-

“This appeal has been filed by the Insurance Company challenging the correctness of income of the deceased assessed by the Motor Accident Claims Tribunal (hereinafter referred to as the ‘Tribunal’). There is no challenge to the correctness of the findings of the Tribunal with regard to the involvement of the vehicle. The correctness of finding with respect to rash and negligent driving on the part of the driver of the truck, is also not questioned. A young man (late Sh. Rakesh) aged about 27 years, lost his precious life in an automobile accident, which took place on 28.08.2019. At the relevant time, late Sh. Rakesh was driving an e-rickshaw. The Tribunal has assessed his income on the basis of the minimum wages rates for unskilled worker notified by the Deputy Commissioner of the District at the rate of Rs.14,610/- per month.

The learned counsel representing the appellant contends that the Tribunal was required to assess the income on the basis of minimum wages

notified by the Labour Commissioner under the Minimum Wages Act, 1948.

This Court has considered the submissions of the learned counsel representing the appellant.

While assessing the income of the deceased, the Court is required to take a holistic view of the matter. The minimum wages notified by the Deputy Commissioner relate to that District. He was a driver, who was driving an e-rickshaw to earn his livelihood.

Hence, no ground to interfere is made out.

Dismissed accordingly.

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

- 2. Learned counsel representing the appellant submits that the only difference in the facts of that case and the present case is that the deceased in this case was a mason whereas in the aforesaid case the deceased was an e-rikshaw driver.
- 3. The income of the deceased has been assessed on the basis of the minimum wages for an un-skilled worker, as notified by the Deputy Commissioner of the concerned District. Hence, no ground to interfere is made out.
- 4. Dismissed.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

11.09.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE