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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 59/2023**
MUNNI DEVI & ORS.

.....Appellant
Through: Mr. Anshuman Bal, Advocate.

versus

UNITED INDIA INSURANCE CO LTD & ORS.

.....Respondent
Through: Mr. Pankaj Seth advocate for R1.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **26.11.2024**

1. An Appeal under Section 173 of the Motor Vehicle Act, 1988 has been filed by the Claimants seeking enhancement of the compensation granted vide Award dated 26.09.2022 by the learned Tribunal.
2. The only ground of challenge is that the deceased Sanjeev Kumar Chauhan was a Painter by profession, despite which his income has been taken as per Minimum Wages for Unskilled Worker, when it should have been for the Skilled Worker in the sum of Rs.11,154/- per month.
3. Learned counsel for the Insurance Company has argued that the compensation has been calculated in accordance with law.
4. **Submissions heard.**
5. PW1 Smt. Munni Devi wife of the deceased has deposed that the deceased was working as a painter and earning Rs.20,000/- per month. However, learned Tribunal observed that there was no evidence to this effect



except her own deposition in this regard. Consequently, it was concluded that the petitioners have not been able to prove the employment or the nature of work undertaken by the deceased. Consequently, the Minimum Wages of Unskilled Worker as prevailing in Delhi, have been taken.

6. Admittedly, no evidence has been led to establish that the deceased was a Painter, except the bald testimony of the wife. The learned Tribunal has rightly taken the income of the deceased as for an Unskilled Worker.

7. There is no infirmity in the impugned Award and the Appeal is hereby dismissed.

NEENA BANSAL KRISHNA, J

NOVEMBER 26, 2024/va