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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 139/2025**

SUNITA KUSHVAHA & ORS.Appellants
Through: Mr. Shekhar Aggarwal &
Mr. Ravi Saxena, Advs.

versus

ARUN KUMAR YADAV & ORS. (M/S EDELWEISS
GENERAL INSURANCE CO. LTD.)Respondent
Through: Mr. Pramod K., Adv. for
R3

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
21.02.2025

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CM APPL. 10738/2025 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 10739/2025 (for condonation of delay)

3. For the reasons mentioned in the application, the same is allowed.
4. The delay of 53 days in filing the appeal is condoned.
5. The application stands disposed of.

MAC.APP. 139/2025

6. The present appeal is filed challenging the award dated 11.09.2024 (hereafter '**the impugned award**'), passed by the learned Motor Accident Claims Tribunal, in MACP No. 04/2020.
7. The appellant has challenged the impugned award only on the ground that the income of the victim should have been assessed on the basis of minimum wages applicable in Delhi and



not in Uttar Pradesh since the victim, at the relevant time, was staying in Ghaziabad.

8. The learned counsel for the appellants submits that the cost of living in Ghaziabad, Uttar Pradesh is higher than other parts of Uttar Pradesh and, therefore, the minimum wages as applicable in Delhi should have been the basis for assessing the notional income of the victim.

9. Concededly, the accident happened in Ghaziabad, Uttar Pradesh and the victim was also resident of Ghaziabad, Uttar Pradesh.

10. Although the claim petition was entertained by the Tribunal in Delhi as the office of the Insurance Company is located in Delhi, however, apart from the contention as noted above, no other ground has been taken for considering the assessment of the income on the basis of minimum wages applicable in Delhi.

11. I find no merit in the argument raised on behalf of the appellants. The victim, concededly, was a resident of Uttar Pradesh. It is also not the case of the appellant that he was employed in Delhi.

12. Only because the cost of living in Ghaziabad is apparently higher and it is a city near to NCT of Delhi, the same cannot be the basis for taking the notional income as applicable in Delhi for awarding a higher compensation.

13. The claimants were not able to prove that the victim was employed and was earning ₹18,000/- per month as claimed in the petition.

14. The learned Tribunal, therefore, notionally assessed the income of the claimant on the basis of the minimum wages applicable at the place of the victim's residence. The same cannot



be faulted with.

15. The present appeal is without any merits and is, therefore, dismissed.

AMIT MAHAJAN, J

FEBRUARY 21, 2025

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