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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAC.APP. 174/2025

THE NEW INDIA ASSURANCE

CO. LTD

.....Appellant

Through: Mr. JPN Shahi, Adv.

versus

SMT. REETA AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.03.2025

CM APPL. 14761/2025 (for exemption)

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

MAC.APP. 174/2025 & CM APPL. 14760/2025 (for stay)

3. The present appeal is filed challenging the award dated 08.01.2025 (hereafter '**the impugned award**') passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Tis Hazari Courts in MACT No. 868/21.
4. The appellant challenges the impugned award on the ground that while calculating the compensation, the minimum wages as applicable in State of Uttar Pradesh should have been considered instead of Delhi.
5. The learned counsel for the appellant submits that the victim was resident of District Basti in Uttar Pradesh. He submits that no evidence was produced by the claimants in order to show that the victim, at the time of accident, was employed in Delhi.
6. There is no merit in the argument raised by the Insurance Company.
7. Concededly, the accident happened in Delhi. The place of residence of the victim as contended by the appellant is 600-700 kilometres from Delhi. The victim is stated to be belonging to a



poor strata of society and, therefore, he cannot be said to have been visiting Delhi, without his family, for the purpose of holidays. It can therefore, safely be presumed that the victim, at that time, was working in Delhi and, therefore, the claimants were rightly awarded compensation by considering the minimum wages as applicable in Delhi.

8. It is also the case of the appellant that the certificate issued by Gram Panchayat, District Basti, Uttar Pradesh, was erroneously relied upon by the Tribunal. The learned counsel for the appellant submits that the certificate did not contain any date or the signature. This argument also has no merit.

9. The certificate as annexed with the petition clearly contains a stamp of Gram Panchayat on which the signatures have also been put. The certificate indicates that the same was issued pursuant to the death of the victim. The date also seems to have been put on the stamp, however, the same is not readable. Even otherwise, as noted above, the victim belonged to a poor strata of society and was in Delhi at the relevant time when the accident happened at 04:14 AM and it can safely be presumed to have been employed in Delhi. Also, no suggestion to the contrary was put by the Insurance Company to the claimant.

10. I, therefore, find no merit in the present appeal.

11. The appeal is, therefore, dismissed.

12. Let the awarded amount be deposited before the learned Tribunal within a period of four weeks and the same is directed to be disbursed to the claimants expeditiously in terms of the impugned award.

AMIT MAHAJAN, J

MARCH 11, 2025/“SS”