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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-5648-2018 (O&M)****Date of Decision : 10.09.2025**

Sarli and Ors

... Appellants

Versus

Nawal Singh and Ors

... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Mukesh Yadav, Advocate for the appellants.

Mr. Atul Yadav, Advocate for respondent Nos.1 and 2.

Mr. Vinod Chaudhri, Advocate for respondent No.3.

**ALKA SARIN, J. (Oral)****CM-19059-CII-2018**

1. For the reasons stated in the application, the same is allowed. The delay of 16 days in re-filing the present appeal is condoned.

**CM-19060-CII-2018**

2. For the reasons stated in the application, the same is allowed. The delay of 452 days in filing the present appeal is condoned.

**FAO-5648-2018 (O&M)**

3. Present appeal has been filed by the claimant-appellants aggrieved by the award dated 22.08.2016 passed by the Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as the 'Tribunal').

4. Learned counsel for the claimant-appellants, at the outset, states that even the income of the deceased has not been assessed in the present case

on the ground that there was no evidence produced qua the income. It is further the contention that only an amount of ₹54,669/- has been awarded under the head medical expenses and ₹25,000/- towards transportation and last rites.

5. Learned counsel for respondent No.3 has pointed out that there is no finding regarding issue Nos.3, 4, 5 and 6 however in the conclusion the Insurance Company has been given the recovery rights though there is no reason forthcoming as to on what ground the recovery rights have been given.

6. Heard.

7. In the present case the Tribunal did not assess the income of the deceased only on the ground that there was no proof of income. It is trite that in the absence of any proof of evidence qua income, it is incumbent upon the Insurance Company to place on record the minimum wages. Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr. [2025 INSC 1070]** has held as under :

*16. We may also observe that, in general, i.e., accidents involving adults, we are often confronted with situations where the Minimum Wage Data is not readily available and every so often, the question that has been made up to this Court hinges only on the calculation of income. In that view of the matter and in the hope of reducing the claimants need to file appeals to this Court or even the High Court, we deem it appropriate to direct that in cases where the claimant has failed to furnish appropriate details of income or adequate proof thereof, it shall be the responsibility and obligation of the contesting party, more*

*particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned government.”*

8. In the present case the Tribunal not only failed to assess the income of the deceased but has also not assessed any multiplier, deduction and future prospects. Even the compensation awarded under the conventional heads is not in consonance with the law laid down by the Hon’ble Supreme Court and no amount has been awarded under the head ‘loss of consortium’. Further still, without there being any finding, recovery rights have been granted to the Insurance Company.

9. Keeping in view the totality of circumstances, this Court deems it appropriate to set aside the impugned award and remand the matter to successor Presiding Officer of the Tribunal concerned for a decision afresh on the basis of the evidence already led by the parties. The Tribunal concerned shall make an endeavour to decide the matter expeditiously, preferably within a period of six months.

10. The parties shall appear before the Tribunal concerned on **22.09.2025 at 10.00 am.**

11. Disposed off. Pending applications, if any, also stand disposed off.

10.09.2025  
jk

**( ALKA SARIN )**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO