



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
(Sr. No. 258)

(1) FAO No. 2070 of 2018 (O&M)  
Date of Decision : 15.09.2025

United India Insurance Company Limited

...Appellant

Versus

Savitri Devi and others

...Respondents

(2) XOBJC-238-CII-2018 in  
FAO No. 2070 of 2018 (O&M)

United India Insurance Company Limited

...Appellant

Versus

Savitri Devi and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL***

Present: Mr. Sahej Mahajan, Advocate for the appellant/Insurance  
Company.

Mr. Shashikant Gupta, Advocate  
for respondents No. 1 and 2/Cross-Objector.

\*\*\*

**Amarinder Singh Grewal J.**

1. By this common order, FAO No. 2070 of 2018 as well as XOBJC-238-CII-2018 are being decided together, as both arise out of the Award dated 01.11.2017 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal').

2. Brief facts of the case are that on 30.03.2015 at about 6.00/6.30 p.m. an accident occurred, in which one Rohtash died. The present appeal is relating to the Award given in favour of the respondents No. 1 and 2/claimants in respect of death of Rohtash. The Tribunal keeping in view



the evidence, which came on record, held that on account of death of Rohtash, the respondent No. 1-Savitri Devi i.e. wife and respondent No. 2-Naveen i.e. the minor son of deceased Rohtash are entitled for compensation amounting to Rs. 16,33,808/- along with interest @ 7.5% per annum from the date of filing of the claim petition till realization.

3. Learned counsel for the appellant-Insurance Company has assailed the Award primarily on the ground that the Tribunal erred in taking the monthly income of the deceased as ₹10,790/-. Learned counsel argues that as per the Instructions contained in the composite Punjab Government Letter No. 7084-F-41/6057 (Finance Department) dated 21.11.1941, by which rates of wages of the employees paid out from the contingencies for various department in District Mohindergarh have been fixed for the year 2015-2016 and according to said notification, the rate of wages for Halwai has been fixed as ₹10,790/- per month. Learned counsel, however, argues that in absence of any documentary proof of income, the Tribunal ought to have assessed the income of the deceased on the basis of minimum wages notified under the Minimum Wages Act, 1948, which, at the relevant time for a skilled worker were ₹6,462.56 per month. It is thus prayed that the Award be set aside and compensation be re-assessed accordingly.

4. Learned counsel for the respondents-claimants/Cross-objectors, on the other hand, submits that the Tribunal has assessed the income of the deceased on the lower side. It is contended that the deceased used to earn ₹30,000/- per month from doing the work of Halwai, besides doing other works. Learned Tribunal also failed to appreciate that the deceased was hale and hearty and his family was deprived of love and affection. It is also



contended that the rate of interest awarded by the learned Tribunal should be @ 9% per annum instead of 7.5%.

5. Having heard learned counsel for the parties and on perusal of the record, this Court is of the considered view that there is nothing on record to substantiate the version of the claimants/Cross-objectors that the income of the deceased was ₹30,000/- per month. Mere bald assertion does not take place of proof. Further, as per the contentions of the learned counsel for the appellant-Insurance Company that the learned Tribunal wrongly assessed the monthly income of the deceased as ₹10,790/- on the basis of the Punjab Government Letter No. 7084-F-41/6057 (Finance Department) dated 21.11.1941 and the learned Tribunal never took into account the basis of minimum wages notified under the Minimum Wages Act, 1948, which at the relevant time for a skilled worker were ₹6,462.56/- per month, this Court is of the view that in case the learned Tribunal had taken into account the monthly income of deceased as ₹10,790/- on the basis of Punjab Government Letter No. 7084-F-41/6057 (Finance Department) dated 21.11.1941, the same cannot be viewed as a wrong decision taken by the learned Tribunal as it was not mandatory for the learned Tribunal to assess the income of the deceased on the basis of minimum wages notified under the Minimum Wages Act, 1948.

6. As such, the learned Tribunal is not bound to assess the notional income of the deceased in the absence of any income proof by applying the Minimum Wages Act notified by the Labour Commissioner. Rather this Court is of the view that it is the duty of the learned Tribunal to analyse the evidence and material placed before it in the peculiar facts and



circumstances of the case. Therefore, this Court is of the view that learned Tribunal has rightly awarded the compensation by assessing the income of deceased-Rohtash as per the above Notification of the Government.

7. In this view of the above discussion, this Court finds no illegality or perversity in the Award dated 01.11.2017 warranting interference. The compensation awarded is just, fair and reasonable.

8. Consequently, the appeal filed by the Insurance Company is dismissed being devoid of merit. The cross-objections also stand disposed of in terms of the aforesaid findings.

9. Pending miscellaneous application, if any, also stands disposed of.

**September 15, 2025**  
*kanchan*

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*