



FAO-4267-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

FAO-4267-2025 (O&M)
Date of Decision:07.08.2025

United India Insurance Company Ltd.

... Appellant

Versus

Vimal Rani and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Amit Kumar Goyal, Advocate
for the appellant.

Mr. Rajiv Kumar Saini, Advocate
for caveator-respondents No.1 to 4.

AMARINDER SINGH GREWAL, J. (ORAL)

C.M. No.13269-CII of 2025

The present application has been filed under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 16 days in filing the appeal.

For the reasons stated in the application, the same is allowed and delay of 16 days in filing the appeal is condoned.

FAO No.4267 of 2025

1. The present appeal has been filed by the appellant-insurance company challenging the impugned award dated 18.02.2025 passed by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the Tribunal) whereby a compensation of Rs.32,24,040/- along with interest @7.5% per annum from the date of filing of the petition till actual realization, has been awarded to respondents No.1 to 4-claimants.

2. Learned counsel for the appellant submits that while awarding aforesaid compensation, the learned Tribunal has erroneously taken the income of



FAO-4267-2025 (O&M) -2-

the deceased as Rs.13,986/- as per rate prescribed by the Deputy Commissioner, Karnal for unskilled worker; whereas in the absence of any income proof, notional income of the deceased should have been assessed by taking minimum wages as prescribed by the State Government and applicable uniformly throughout the State, which comes to Rs.10,243/-. It is further submitted that there was no eye witness to the accident and, therefore, possibility of contributory negligence cannot be ruled out.

3. Having heard learned counsel for the appellant, this Court is of the considered opinion that 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. It is a duty incumbent upon the learned Tribunal to analyze the evidence and material placed before it in the peculiar facts and circumstances of the case. Therefore, the learned Tribunal, in the opinion of this Court, has rightly awarded the compensation by assessing the income of the deceased as per rates prescribed by the Deputy Commissioner for unskilled worker. Further, the appellant-insurance has not been able to place on record any cogent evidence to prove contributory negligence, rather the offending car hit the deceased on the extreme left side of the road.

4. In view of the above, this Court finds no illegality and irregularity in the impugned award dated 18.02.2025 passed by the learned Tribunal. Consequently, the instant appeal is dismissed.

5. Pending misc. application(s), if any, also stands disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

August 07, 2025

Pankaj*	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No