



FAO-6751-2017

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-6751-2017

Reserved on:- 14.11.2025

Pronounced on:- 18.12.2025

Date of Uploading:-19.12.2025

NATIONAL INSURANCE CO. LTD

.....Appellant

vs.

VIMAL KAUR AND ORS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vishavjeet Bedi, Advocate
for the appellant

Mr. Harinder Singh Sandhu, Advocate
for respondent Nos. 1 to 4.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 10.07.2017 passed by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, wherein, the appellant insurance company was held liable to pay the compensation to the claimants/respondents to the tune of Rs.19,60,000/- along with interest @ 7.5% per annum, on the ground of quantum of compensation to be on higher side.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed



narration of the facts of the case is not required to be reproduced here for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant-Insurance Company vehemently argues that the compensation awarded by the learned Tribunal is on the higher side. He further submits that the Tribunal has erred in assessing the monthly income of the deceased at ₹15,680/- by placing reliance upon the wage notification issued by the Deputy Commissioner, Kurukshetra, applicable to skilled labour/heavy vehicle drivers, instead of adopting the minimum wages for skilled labour in the State of Haryana. Accordingly, he prays that the present appeal be allowed and amount of compensation be reduced as per latest law.

4. Per contra, learned counsel for respondent Nos. 1 to 4/claimants contends that the amount of compensation awarded by the learned Tribunal is on the lower side and they have preferred separate appeal bearing FAO No. 8217-2017 titled as Vimal Kaur and others vs. Kashmiri Lal and others seeking enhancement of the amount of compensation. Therefore, he prays that the present appeal be dismissed.

5. I have heard learned counsels for the parties and perused the whole record of this case with their able assistance.

6. At the outset, it is apposite to reiterate the well-settled principle governing appellate jurisdiction. It is trite law that a Court sitting in appeal does not substitute its own view for that of the Court below merely because an alternative view is possible. Interference is warranted only where the impugned findings are vitiated by perversity, illegality, or material irregularity, or suffer from such infirmities as



render them unsustainable in law. In the absence of such vitiating factors, interference in appellate jurisdiction is wholly unwarranted.

7. In the present case, a perusal of the record shows that the driving licence of the deceased was produced and exhibited as Ex. R-6. The said licence clearly reflects that the deceased was authorised to drive heavy and medium goods vehicles. Thus, the deceased was duly qualified to be treated as a skilled worker in the category of heavy vehicle driver.

8. There is nothing on record to demonstrate that the wage rates notified by the Deputy Commissioner, Kurukshetra, were not applicable to the deceased. In the absence of any cogent evidence to the contrary, the learned Tribunal was justified in relying upon the said notification while determining the income of the deceased. The approach adopted by the Tribunal cannot be said to be arbitrary or erroneous.

9. The aforesaid view also finds support from the judgment of the Hon'ble Supreme Court in ***Saroj & Ors. v. IFFCO-Tokio General Insurance Co. & Ors., 2024 INSC 816***. The relevant extract of the same is reproduced as under:-

“5. On appeal to the High Court, vide judgment and order dated 9th March, 2023 passed in FAO Nos.8504 of 2017 (O&M) and 6836 of 2017 (O&M) the amount awarded by the MACT was reduced to Rs.9,22,336/- noting that minimum wage rates issued by the Government are uniformly applicable throughout the State and, therefore, constitute a better measure for calculating the notional income of a deceased person, as opposed to special DC rates notified by the Deputy Commissioner of a



District, and, therefore, would only be applicable to that particular district. Further, it was observed that with respect to the age at the time of death, the Aadhar Card of the deceased records his date of birth to be 1st January 1969; thus, the age comes to 47 years. Hence, the multiplier applicable would be 13.

6. The claimant-appellants, aggrieved by the reduction, have approached this Court. Before us, it was contended that the multiplier applicable would be 14 since, in the School Leave Certificate the date of birth of the deceased is shown as 7th October, 1970. His age, then at the time of the accident was 45 years. They were further aggrieved by the calculation of monthly income to be Rs.5,886/-.

7. Notice was issued on 17th October, 2023. The matter was then sent to Lok Adalat by way of an order dated 23rd July 2024. A subsequent order dated 2nd August 2024 records that the matter could not be settled.

8. We have heard the learned counsel for the parties and also perused the record. The questions arising for consideration are - (a) in case of conflict of the dates of birth between the two documents, as in this case between the School Leaving Certificate and the Aadhar Card, which of the two is to be taken as authoritative; and (b) whether in the facts of the case, the High Court's reduction



of the compensation awarded by the learned MACT, was justified and in accordance with law?

9. This Court is of the view that the High Court erred in undertaking the reduction as it has. The reasons therefore are recorded in the following paragraphs.

9.1 The general rule insofar as appellate proceedings are concerned is that a Court sitting in appeal is not to substitute its view for that of the Court below. It is only to see that the decision arrived at is not afflicted by perversity, illegality or any other such vice which may compromise it beyond redemption.

9.2 It is also well settled that an order is not to be interfered with simply because another view is possible, which, in the impugned order the High Court seems to have done.

9.3 The question before the High Court was not as to which yardstick to use to determine the notional income of the deceased was 'better'. Since there is nothing on record to establish that the rates notified by the District Commissioner, Rohtak, would not apply to the deceased, we find no reason to interfere with the finding of the Tribunal. Further, the testimonies of PWs 2, 5 and 6 show that he is an agriculturist who owned his own tractor and a JCB machine."

10. This Court finds no merit in the contention raised by the appellant–Insurance Company on the ground that the learned Tribunal erred in



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assessing the monthly income of the deceased at ₹15,680/- by placing reliance upon the wage notification issued by the Deputy Commissioner, Kurukshetra, applicable to skilled labour/heavy vehicle drivers, instead of adopting the minimum wages for skilled labour in the State of Haryana i.e. ₹8,245/-.

11. In view of the foregoing discussion and the law laid down by the Hon'ble Supreme Court, this Court is of the considered opinion that the findings recorded by the learned Tribunal qua the assessment of the monthly income of the deceased do not suffer from any infirmity or illegality. The same are, therefore, hereby affirmed.

12. Consequently, the present appeal is dismissed.

13. The statutory amount of Rs.25,000/- deposited by the appellant-Insurance Company at the time of admission of the appeal, is ordered to be refunded to them.

14. Pending application (s), if any, also stand disposed of.

18.12.2025

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes