

(2003) 01 JH CK 0040

Jharkhand High Court

Case No: None

New India Assurance Co. Ltd.

APPELLANT

Vs

Munki Devi and Others

RESPONDENT

Date of Decision: Jan. 8, 2003

Citation: (2004) 2 ACC 779

Hon'ble Judges: Vinod Kumar Gupta, C.J; R.K. Merathia, J

Bench: Division Bench

Judgement

V.K. Gupta, C.J.

Heard.

2. Delay in filing the appeal is condoned and the appeal is taken up for consideration.

3. The only point urged on behalf of the appellant-Insurance Company is that the income of the deceased was taken at Rs. 2,000/- per month on the basis of the evidence, but as per the Minimum Wages Act, it should have been taken at Rs. 1,032.20 per month. We are afraid, we cannot look into the Minimum Wages Act for the purpose of determining as to what wages was actually being paid/earned by the deceased. It has clearly come in the evidence that the deceased was getting Rs. 2,000/- per month as Khalasi of the truck and in that view of the matter, we do not find any merit in this appeal.

4. This appeal is dismissed.