

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

116

FAO-4717-2019 (O&M)
Date of decision:01.09.2025**Renu and others****...Appellant(s)****Vs.****Satyawan and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Jasbir Mor, Advocate
for the appellants.

NIDHI GUPTA, J.**CM-15891-CII-2019**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 35 days in filing the accompanying appeal.

2. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 35 days in filing the accompanying appeal is condoned.

FAO-4717-2019 (O&M)

The present appeal has been filed by the appellants seeking enhancement of compensation of Rs.55,000/- awarded by the learned Motor Accident Claims Tribunal, Jind (hereinafter referred to as "the learned Tribunal") vide Award dated 18.01.2019 passed in MACT Case No. 60 dated 12.04.2014 filed under Section 166 of the Motor Vehicles Act,



(hereinafter referred to as “the Act”). The 4 claimants before the learned Tribunal are the widow, 2 minor children, and mother of the deceased Bhupender Singh.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Bhupender Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 01.01.2016 due to the rash and negligent driving of a Truck bearing registration No.HR-63B-0924 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. Learned Tribunal awarded the above said compensation along with interest @ 10% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants submits that although the learned Tribunal had calculated total compensation payable to the appellants, as Rs.79,38,672/-, yet the same was not awarded to the appellants on the ground that the appellants had received benefit from the State Government. Learned counsel contends that in terms of a recent judgment of Hon’ble Supreme court in ***Pramod Kumar Tiwari vs. Premlal Gautam and others (SC)***, ***Law Finder Doc Id # 2732865***, ***decided on 08.04.2025***; wherein it is held that “*Family pension or insurance cannot be deducted from compensation under Motor Vehicles Act, 1988 as it does not have a correlation with compensation arising from accidental death*”, the appellants would be entitled to the compensation.



4. It is further submitted that even under the conventional heads, only a sum of Rs.15,000/- has been awarded towards transportation and last rites; and consortium of Rs.40,000/- has been awarded only to claimant No.1. Hence, learned Tribunal had awarded a total compensation of a meagre sum of Rs.55,000/- only.

5. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified by enhancing the compensation.

6. No other argument is raised on behalf of the appellants.

7. I have heard Id. Counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellants.

8. Perusal of the record shows that the deceased was 43 years 9 months of age at the time of his death. The deceased was a Government employee posted as Math Teacher and was drawing salary of Rs.48,487/- (including basic pay, grade pay, dearness allowance and medical allowance). As per Ex.P2 Sanction order passed by Chief Accounts Officer O/o Director, Elementary Education Haryana, Panchkula, for granting financial assistance to the family of deceased from 2.1.2016 to 31.12.2027 under the provisions contained in the Haryana Compassionate Assistance to the dependents of the Deceased Govt. Employees Rules, 2006 (for short Rules, 2006), widow of the deceased is getting last drawn pay of ₹48487/- and will continue to get the same for a period of 12 years; amounting to total benefit/assistance of approximately ₹81,45,816/- from the State Government. These facts are recorded in para 25 of the impugned Award, as follows: -



“25. It is an admitted fact that the wife of the deceased is getting the last pay drawn by the deceased and she will get his salary Rs. 48487/-regularly for a period of 12 years and as such, she will get assistance of Rs.81,45,816/- approximately from the State Government under the aforesaid rules. Hon'ble High Court in 2011 ACJ 2761 **New India Assurance Co. Vs. Santosh and others** while interpreting the rules 2006 has held that the payments received by the dependents from the State Government on a statutory basis have to be deducted in computing the compensation, meaning thereby, the financial assistance of Rs. 81,45,816/- which the petitioners are going to get from the State Government has to be adjusted in computing the compensation. Reliance can also be placed on **Reliance General Insurance Co. Ltd. vs. Shashi Sharma and others 2016 ACJ 2723 (SC)**. However, as already calculated, the difference between the compensation assessed by this court is Rs. 207144/-, which is insignificant at present because over the amount of pension for 12 years, the claimants would also be getting revised DA as is increased by the State Govt. from time to time. Therefore, it cannot be adjudged that at present there would be any difference in the claim assessed by this court and the pension which claimants would be getting for 12 years. However, if at any point of time the claimants are able to show that they have received less amount of pension than what has been adjudged by this court or State Govt. reviews the policy of pension then they will be entitled to claim the difference. However, it is made clear that in case the State Government reviews or withdraws the aforesaid ex-gratia policy in future, the claimants would be entitled to get the remaining less amount from the respondents alongwith



interest @ 10% P.A. from the date of filing of the petition till realization.”

9. Thus, it was in the above background, and by placing reliance on the above noted judgments that the learned Tribunal had awarded the impugned compensation.

10. The Id. counsel for the appellants has sought to counter the above deduction made by the Tribunal by relying upon judgment of ***Pramod Kumar Tiwari's case (supra)***. However, the said judgment is distinguishable *in-as-much as* the same relates to family pension or insurance received by the claimants; whereas in the present case, claimant No.1 will be getting entire salary of the deceased for the period of 12 years alongwith the revised DA as increased by the State Government from time to time in accordance with the 2006 Rules. In this scenario, it will be apposite to refer to another judgment of the Hon'ble Supreme Court passed in ***Krishna & Ors. - Versus Tek Chand & Ors. (SC)***; ***Law Finder Doc Id # 2531576, decided on 05.02.2024***; wherein it is held as under:-

“6. We find that the observations of this Court in Sebastiani Lakra (supra) distinguishing the case of Shashi Sharma (supra) clearly applies to the case in hand. It is observed that the amount of Rs. 31,37,665/- (Rupees Thirty One Lakhs, Thirty Seven Thousand and Six Hundred and Sixty Five only) was paid to the dependents of the deceased-employee who are the petitioners herein under the aforesaid Rules since the said Rule was by way of compassionate assistance owing to the sudden death of the employee in harness for any reason whatsoever including as a result of a



road traffic accident. This is in order to compensate the loss of the bread earner of the family who dies in harness.

In the case of a motor vehicle accidents, when negligence is proved, loss of dependency is compensated for the very same reason. In our view, there cannot be a duplication in payments or a windfall owing to a misfortune. In another words, on the death of the person in harness, owing to a road traffic accident the dependents of a deceased cannot be doubly benefited as opposed to those who are dependents of a deceased who dies owing to illness or any other reason under the Rules formulated by the Haryana Government.” (Emphasis added)

11. The above said view has been further fortified by a more recent judgment of the Hon’ble Supreme Court passed in ***New India Assurance Co. Ltd. v. Kamlesh and others, (SC) : Law Finder Doc Id # 2732068, decided on 28.04.2025***; wherein it is held that “*Financial assistance under Haryana Compensation Assistance to the Dependents of Deceased Government Employees Rules, 2006 to be deducted from compensation under Motor Vehicles Act to avoid double benefits.*”

12. As regards the contention of the appellants regarding the conventional heads, the same is also liable to be rejected in view of the fact that admittedly learned Tribunal had calculated total compensation of Rs.79,38,672/-; whereas it is undisputed that benefit of approximately Rs.81,45,816/- will be receivable by the claimants from the State Government. In view of the admitted fact that the claimants are already going to receive Rs.2,07,144/- in excess, even no direction regarding the conventional heads is required to be passed.



13. In view of the above, no ground is made out to interfere in the impugned Award dated 18.01.2019. Accordingly, the present appeal is hereby **dismissed**.

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

01.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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