

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****FAO-3045-2023 (O&M)****Date of decision: 02.09.2025****Anita and others****...Appellant(s)****Vs.****Sewa Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Rishabh Aggarwal, Advocate for
the appellants through V.C.***********NIDHI GUPTA, J.**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.1,30,639/- awarded by the Id. Motor Accident Claims Tribunal, Karnal (hereinafter "the learned Tribunal") vide Award dated 04.02.2023 passed in MACP Case No. 02 dated 02.01.2019 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter "the Act"). The 4 claimants/appellants are the widow, 2 minor children, and mother of the deceased Sant Lal.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it, concluded that the deceased- Sant Lal had died due to the injuries suffered by him in a motor vehicular accident that took place on 08.09.2018 due to the rash and negligent driving of a Car bearing registration No. HR31-D-7676 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2 and 2-A; and insured by respondent No.3. The appellants



herein are the claimants No.1 to 3/widow and minor children. The learned Tribunal awarded above said compensation along with interest @ 9% per annum. Respondent No.3 was held liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the deceased Sant Lal was only 45 years of age at the time of death and was working in Haryana Government and was getting salary of Rs.30,000/- p.m. The appellants were totally dependent on the earnings of the deceased. The appellants had filed claim petition seeking compensation to the tune of Rs.1 Crore. However, the learned Tribunal has failed to appreciate the very important and relevant facts on record and awarded only Rs.1,30,639/- without awarding compensation in separate heads like age, income, multiplier, future prospects, funeral expenses etc. As such, entire approach of the learned Tribunal is patently illegal, ultra-vires, void and without jurisdiction. Therefore, impugned Award is liable to be set aside/modified and compensation be enhanced.

4. No other argument is raised on behalf of the appellants. I have heard ld. counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

5. The facts as stated by the appellants in their claim petition are that the deceased- Sant Lal was working as Peon in Government Hospital, Kutail, District Karnal and was getting salary of Rs.30,000/- p.m. This fact is proven from the evidence of PW1 Naresh Kumar, Assistant, C.H.C. Gharaunda, District Karnal, who proved that Sant Lal was class IV



employee in P.H.C.Kutail. From the evidence brought on record, salary of the deceased was proven to be Rs.36,429/-p.m. PW3 Manoj Kumar, Assistant, C.H.C. Gharaunda, District Karnal had further deposed that upon the death of Sant Lal, the Department had paid all benefits to his widow/claimant no.1. Further, in terms of Haryana Government Notification for financial assistance, claimant No.1-Anita had opted for her employment in the Department; and in case of appointment, she would be entitled to family pension; and in case she does not get the job, she would get full salary of the deceased till the date of his retirement by way of financial assistance. It is further proven on record that the date of birth of the deceased was 07.07.1972, and he was due to retire on 31.07.2032. In this way, it was found that the claimants would get benefits to the tune of Rs.54,80,208/-.

6. Further, learned Tribunal had calculated compensation payable to the deceased in the following manner:-

7. Salary of the deceased was determined to be Rs.36,429/-p.m. on the basis of Salary Statement Ex.R4. As per Postmortem Report, deceased was 46 years old at the time of his death. Accordingly, addition of 30% future prospects was made; thereby calculating annual dependency to be Rs.5,68,292 (Rs.36,429 x 12 + Rs.1,31,144). As claimants were 4 in number, deduction of 1/4th has been correctly made; thereby calculating compensation to be Rs.4,26,219/- (Rs.5,68,292-Rs.1,42,073). Learned Tribunal had correctly applied multiplier of 13; thereby calculating compensation to be Rs.55,40,847/- (Rs.4,26,219 x 13).



8. Out of the said amount of Rs.55,40,847/-, learned, Tribunal had deducted the amount of Rs.54,80,208/- receivable by the claimants as financial benefits from the State Government. Contention of the claimants that this amount could not have been deducted, is liable to be rejected in view of 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)



9. 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.*"

10. Ld. Tribunal has further awarded Rs.15,000/- each towards funeral expenses and loss of estate and Rs.40,000/- towards loss of consortium; thereby awarding total compensation to be Rs.1,30,639/- (Rs.60,639 i.e. difference of Rs.55,40,847-Rs.54,80,208 + Rs.15,000 + Rs.15,000 +Rs.40,000).

11. In view of the above noted, factual and legal position, no ground is made out to interfere in the impugned Award dated 04.02.2023.

Accordingly, the present appeal is hereby **dismissed**.

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

02.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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