

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

**CM No.3246-CII of 2016 in/and
FAO No.5870 of 2015 (O&M)
Date of Decision: February 11, 2016.**

Reliance General Insurance Company Ltd

.....APPELLANT.

VERSUS

Saroj and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhinav Gupta, Advocate
for the applicant-appellant.

SURINDER GUPTA, J.

CM-3246-CII-2016

This is an application for early hearing of the appeal.

2. Learned counsel for the applicant-appellant submits that in the execution proceedings, the accounts of the appellant company have been attached as there is no interim order in favour of appellant in this appeal.

3. His request for taking up the appeal is allowed and the appeal which is listed for 23.03.2016 is taken up for hearing today.

CM-18468-CII-2015

4. Heard. There is delay of 35 days in filing the appeal.

5. Learned counsel for the appellant submits that due to procedural tangles involved in seeking permission of higher officers of company to file

the appeal, delay of 35 days in filing the appeal has occurred. The application is supported by affidavit.

6. In view of the submission made by learned counsel for the applicant-appellant, the application is allowed and delay of 35 days in filing the appeal is, hereby, condoned.

FAO-5870-2015

7. This is appeal filed by Reliance General Insurance Company Limited against the award dated 27.04.2015 whereby Motor Accident Claims Tribunal, Rohtak (later on referred to as 'the Tribunal'), allowed compensation of ₹46,33,000/- for the death of Ram Avtar in motor vehicle accident with Maruti (Wagon-R) bearing registration No.DL-7CH-6256 (later on referred to as 'the offending vehicle').

8. Learned counsel for the appellant has argued that the deceased was employed as Constable in Railway Police. After his death, claimants are receiving pension from his department which the Tribunal has not deducted from the monthly salary of the deceased while computing the amount of dependancy. Pension is a regular benefit which the claimant No.1 Saroj will receive throughout her life, as such, is required to be reduced from the income of the deceased.

9. As the only challenge to the award has been raised regarding quantum of compensation, detailed facts of the case are not being discussed.

10. It is no more res integra that while computing the amount of compensation, family pension drawn by the wife or family of the deceased cannot be taken into account. It was so held in ***Lal Dei & Ors Vs. Himachal***

Dan and others 2013(7) SCC 476 and Darshan Kaur and others Vs. Jarnail Singh and others 2006(3) R.C.R. (Civil) 501.

11. Learned counsel for the appellant could not draw my attention to any other citation wherein a contrary view has been taken. The submission made by learned counsel for the appellant has no merits.

12. No other point has been argued.

13. This appeal has no merits. Dismissed.

February 11, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE