

CR NO.4135 OF 2018(O&M)

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Sr.No.115

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CR NO.4135 OF 2018(O&M)

Date of Decision: 09.08.2018

Usha Devi and othersPetitioners

versus

Sunil Kumar and anotherRespondents

CORAM HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present Mr.Jorawar Singh, Advocate for the petitioners.

AMOL RATTAN SINGH, J(ORAL)

By this petition, the petitioners challenge the order of the learned Executing Court, i.e the Motor Accident Claims Tribunal, Hissar, dated 04.11.2014, to the extent that it has ordered deduction of Rs.52,42,708/- from the total amount awarded by this Court in FAO No. 2683 of 2015 decided on 29.01.2016 to the appellants, on account of the death of Dilbagh Singh in a motor vehicle accident.

The said deduction has been ordered by the learned Executing Court on the ground that in the judgment of the Supreme Court in **Oriental Insurance Company Ltd. v. Usha Devi and others**, i.e in the case of the present petitioners themselves (SLP (Civil) No. 6745/2016), it was held that the amount received and receivable by petitioner no.1 Usha Devi, i.e the widow of Dilbagh Singh, from the Haryana Government, in terms of Rule 5(1) of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, by way of financial assistance, is deductible from the compensation awarded, the compensation

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having naturally included the loss of income to the claimants.

Thus, since the Haryana Govt. is making good the loss of income to the petitioners – claimants to the extent of Rs,52,42,708/-, that had to be deducted from the total amount of compensation awarded by this Court in FAO No. 2683 of 2015.

That being so, I see absolutely no error in the impugned order dated 30.01.2017, there being no other infirmity pointed out to this Court.

Consequently, this petition is dismissed. No notice having been issued, there is no order as to costs.

09.08.2018
mamta

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No