

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

FAO No.1650 of 2014 (O&M)

Date of decision: 23.03.2018

Shri Ram General Insurance Company Ltd.

.... Appellant

Versus

Bohati Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr.Rajbir Singh, Advocate
for the appellant.

None for respondents No.1 and 2.

Ms. Harpreet Kaur, Advocate for
Mr. R.V.S.Chugh, Advocate
for respondents No.3 and 4.

Avneesh Jhingan, J.

The Insurance Company has filed this appeal against award dated 17.10.2013 passed by Motor Accidents Claims Tribunal, Jind (hereinafter referred to as the 'Tribunal').

The only issue raised in the appeal is that the legal heirs of the deceased were entitled to compensation under Haryana Compassionate Assistance to the dependants of the Deceased Government Employees Rules, 2006 (for short, 'the Rules'). The Tribunal has not considered the compensation received under the Rules while passing the award.

The contesting respondents are respondents No.1 and 2 in the appeal. They have not been represented inspite of service. They were proceeded against exparte vide order dated 05.11.2015. Even today, none

has appeared on their behalf.

Supreme Court in case of **Reliance General Insurance Company Ltd. vs. Shashi Sharma and others, 2016(12) JT, 409** has dealt with the issue where the legal heirs of deceased were entitled to compensation under the said Rules. The Tribunal while passing the award did not held the benefit of the said decision.

Certain facts would have to be ascertained for deciding the issue involved.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the same in accordance with law after issuing notices to respondents No.1 and 2.

The appeal is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

23.03.2018

anju

1. Whether the order is speaking/reasoned: Yes

2. Whether the order is reportable : No