

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

FAO No.989 of 2015 (O&M)
Date of decision: 25.05.2018

Universal Sompo General Insurance Company Ltd.

.... Appellant

Versus

Shakuntla Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Rajan Bhargava, Advocate for
Mr. Vishal Aggarwal, Advocate
for the appellant.

Mr.R.K.Duggal, Advocate
for respondents No.1 to 3.

Mr. Anil Sharma, Advocate
for respondent No.4.

Avneesh Jhingan, J.

The insurer of the offending vehicle i.e. Mini bus bearing registration No.PB-01-7462 is in appeal against award dated 23.09.2013 passed by Motor Accidents Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal').

The issue raised in the present appeal is that the deceased was a Haryana Govt. Employee and the family would be entitled to benefits under Haryana Compassionate Assistance to the dependents of the deceased Government Employees Rules, 2006.

Learned counsel for the appellant states that the Tribunal while awarding compensation has not taken into consideration the said Rules. He argues that it was admitted in the cross-examination of PW3-Daya Nand Soni, LDC that

the widow was entitled to full pay of the deceased.

No one appears for the claimants inspite of service.

It is pertinent to note here that the Insurance Company was proceeded against exparte before the Tribunal. The said issue was not raised by the Insurance Company. Be that as it may, a just and equitable compensation is to be awarded.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to consider the effect of said Rules. It is clarified that remand would subject to the appellant paying Rs.30,000/- as litigation expenses to the claimants.

The appeal is disposed of.

(AVNEESH JHINGAN)
JUDGE

25.05.2018
anju

1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No