

2023:PHHC:162890

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

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FAO-1077-1992 (O&M)
Date of decision: 19.12.2023

United India Insurance Co. Ltd

....Appellant

Versus

Smt. Sheila Devi and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shrenik Jain, Advocate for the appellant

Ms. Parinka Jain, Advocate for

Ms. Kanchan Sehgal, Advocate for respondent No.5

AMAN CHAUDHARY. J.

1. Challenge in the present appeal is to the Award dated 29.02.1992 passed by the learned Motor Accident Claims Tribunal, Bhiwani (for short 'the Tribunal') vide which a sum of Rs.1,83,000/-alongwith interest @ 12% per annum, had been awarded to the claimant-respondents and the appellant is held liable to pay the said amount.

2. Learned counsel for the appellant submits that the claimant-respondents ought not to have been granted compensation in view of the fact that she being a widow of deceased-Balbir Singh, who was employed as Sub-Post Master at Nalwa was granted compassionate appointment in the scale of 975-1660.

3. Undisputedly, a settlement had been arrived at between the Insurance Company as well as the complainant in FAO-670 and 990 of 1992 before the Lok Adalat of this Court, as per the amount of compensation awarded by the Tribunal was agreed to be enhanced to be Rs.2,60,000/-. Operative portion of the order reads thus:

“A compromise has been effected between Shri Surinder Gandhi and Shri S.S. Dalal, Advocates, respective counsel for the two sets of appellants on the one hand and then with the respondent-Insurance Co. through Shri R.C. Sood, Manager, as a result of which the amount of compensation awarded by the learned Tribunal at Rs.1,83,000/- is agreed to be enhanced to Rs.2,60,000/-. The respondent-Insurance Company shall deposit the balance amount of Rs.77,000/- with the learned Tribunal within two months from today. Out of this amount a sum of Rs.22,000/- shall be paid in cash to the parents of the deceased appellants in FAO No.670 of 1992 and the balance amount of Rs.55,000/- to Smt. Sheela Devi widow of the deceased herself and for the maintenance of the minor child.”

4. In view of the above, the present appeal fails as the ground projected, that the compassionate appointment was granted to the widow on account of death of the deceased is not tenable to deny the compensation granted for the death having occurred due to rash and negligent driving of the tractor driver-respondent No.3. Moreso, the settlement had already taken place between the appellant-Insurance Company and the claimant.

5. Dismissed.

(AMAN CHAUDHARY)
JUDGE

19.12.2023

M.Kamra

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