

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****228****FAO-5290-2015(O&M)**
Date of decision: 19.11.2025**Reliance General Insurance Company Ltd.****...Appellant(s)****Vs.****Smt. Krishna Devi & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Subhash Goyal, Advocate
Mr. Vipul Sheoran, Advocate
for the appellant.

Mr. Alankrit Bhardwaj, Advocate
for Cross-objectors/claimants/respondents No.1 and 2.

*********NIDHI GUPTA, J.****CM-18622-CII-2017 IN CROSS-OBJECTION NO.152-CII-2017**

This is an application under Section 5 of Limitation Act for
condonation of delay of 48 days in filing the Cross-Objections.

After going through the contents of the application, which is
supported by affidavit of the applicant, the same is allowed subject to all just
exceptions and delay of 48 days in filing the Cross-Objections is condoned.

MAIN CASE

Present appeal has been filed by the Insurance Company laying
challenge to the Award dated 11.03.2015 passed by the Motor Accident



Claims Tribunal, Rewari (hereinafter 'the learned Tribunal') whereby MACT Case No.37 dated 02.02.2013 filed by the claimants/respondents no.1 and 2 herein, under Section 166 of the Motor Vehicles Act (hereinafter "the Act"), has been allowed; and claimants have been awarded compensation of Rs.16,36,176/-, on account of death of their son, Yogesh Kumar.

CROSS-OBJECTION NO.152-CII-2017

Present Cross-Objections under Order 41 Rule 22 CPC have been filed by the claimants seeking enhancement of compensation.

2. At the very outset, it is submitted by learned counsel for the appellant/Insurance Company that the present appeal deserves to be allowed in terms of judgment of Hon'ble Supreme Court in **Reliance General Insurance Co. Ltd. v. Shashi Sharma, (SC) : Law Finder Doc ID # 792568**, wherein it is held that financial assistance received by the claimants is to be deducted while assessing compensation payable to them.

3. Learned counsel for the claimants controverts the said submissions on behalf of the appellant and submits that very less compensation has been assessed by the learned Tribunal, which deserves to be enhanced.

4. Heard.

5. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Yogesh Kumar had died due injuries suffered by



him, in a motor vehicular accident that took place on 10.10.2012 at about 8 pm due to the rash and negligent driving of Trola bearing registration No.RJ-7-GA-3631 (hereinafter “the offending vehicle”) being driven by respondent No.3, owned by respondent No.4, and insured by the appellant. Accordingly, the learned Tribunal had held the Claimants/ cross-objectors entitled to compensation of ₹16,36,176/- along with interest at the rate of 6% per annum. Appellant/Insurance Company and respondents No.3 and 4 herein were held jointly and severally liable for payment of compensation.

6. It is admitted fact on record that the deceased was 26 years old at the time of death. The deceased was a government employee inasmuch as he was working as a Constable in the Haryana Police and was earning Rs.21,262/- per month.

7. The instant first appeal has been filed by the insurance company on the ground that the financial assistance provided to the dependents/ claimants/parents of the deceased Government employee ought to have been taken into consideration while making an assessment of compensation to be awarded to the claimants after the death of the deceased government employee in a motor vehicular accident on 10.10.2012 involving the vehicle insured by the appellant. As per the Judgement rendered by the Hon'ble Apex Court in **Reliance Gen. Ins. Co. Ltd. Versus Shashi Sharma & Ors. (2016) ACJ, 2723**, the harmonious approach for determining a just compensation payable under the Act of



1988 is to exclude the amount received or receivable by the dependents of the deceased government employee under the Rules of 2006 towards the head financial assistance equivalent to pay and other allowance that was last drawn by the deceased government employee in the normal course.

Name of deceased: Yogesh (Govt. Employee)	Claimants : Parents
Aged : 26 years	Date of Accident: 10.10.2012
Salary : Rs.20592/-	Deduction : 50%
Multiplier : 13	Conventional Heads: Rs.30,000/-
Total	Rs.16,36,176/-

8. The amount received or to be received by the dependants from the State of Haryana = Rs.20,298/- x 12 x 15 = Rs.36,53,640/-

9. The compensation determined as per “**National Insurance Company Ltd. VS. Pranay Sethi & Others**” Law Finder Doc ID # 918174: -

Salary	Rs.20,592/-
Future prospects (50%)	Rs.30,888/- (Rs.10,296/- + Rs.20,592/-)
Deduction (1/2)	Rs.15,444/-
Rs.15,444/- x 12 x 17 = Rs.31,50,576/-	

10. The amount received by the claimants from the State of Haryana towards financial assistance is liable to be deducted from the amount of compensation determined. From the above facts, it is clear that the amount receivable by the claimants from the State of Haryana is Rs.36,53,640/-; the amount awarded by the learned Tribunal is Rs.16,36,176/-; and the compensation payable to the claimants as per



judgment of the Hon'ble Supreme Court in **Pranay Sethi supra** is Rs.31,50,576/-; which is still less than the amount which is to be received by the dependents from the State of Haryana. As such, nothing is payable to the claimants by way of compensation.

11. So therefore, in terms of the above-said judgment of the Hon'ble Supreme Court, the present appeal filed by the Insurance Company stands **allowed**; and the Cross-Objections filed by the claimants are **dismissed**.

12. Pending application(s) if any also stand(s) disposed of.

19.11.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No