

IN THE SUPREME COURT OF INDIA  
EXTRA-ORDINARY APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) No. 5044/2019

KRISHNA & ORS.

Petitioner(s)

VERSUS

TEK CHAND & ORS.

Respondent(s)

O R D E R

We have heard learned counsel for the respective parties.

2. Petitioners' counsel placed reliance on the judgment of this Court in the case of Helen C. Rebello (Mrs.) & Ors. v. Maharashtra State Road Transport Corporation and Anr. [(1999) 1 SCC 90] to contend that the monetary benefit received by the family of the deceased-employee under the provisions of the Motor Vehicles Act, 1988, cannot be reduced in terms of the amount received under Haryana Compassionate Assistance to Dependents of Deceased Government Employees, Rules, 2006 ("the Rules, 2006", for short) in terms of the judgment in Reliance General Insurance Company Limited vs. Shashi Sharma [(2016) 9 SCC 627], since the payment made by the Employer-Department to the family of the deceased who died in harness is owing to death of the deceased during service and has no

nexus to his death in a road traffic accident. Further, under the provisions of the Motor Vehicles Act, 1988, the compensation awarded is on proving negligence on the part of the offending driver. Therefore, the High Court fell in error in deducting the amount of Rs.31,37,665/- (Rupees Thirty One Lakhs, Thirty Seven Thousand, Six Hundred and Sixty Five only) from Rs.34,40,480/- (Rupees Thirty Four Lakhs, Forty Thousand and Four Hundred and Eighty only) and thereby awarding a paltry sum of Rs.3,02,815/- (Rupees Three Lakhs, two Thousand and Eight hundred and Fifteen Only) to the petitioners herein.

3. Per contra, learned counsel for the respondent-Insurance Company placed strong reliance on the judgment of this Court in the case of Shashi Sharma (supra) to contend that the very same provision which was considered by the High Court namely Rule 5 of the Rules, 2006 was interpreted in the context of awarding of compensation to the dependents of the deceased in a road traffic accident to hold that the said amount awarded by the Haryana Government to the family of the dependents of the deceased has to be deducted.

4. By way of response, learned counsel for the petitioners also brought to our notice another three Judge Bench judgment of this Court in Sebastiani Lakra and Ors. vs. National Insurance Company Limited [(2019) 17 SCC 465] and particularly paragraph '12' therein to contend that the deductions cannot be allowed from the amount of compensation

either on account of insurance, or on account of pensionary benefits or gratuity or grant of employment to a kin of the deceased and contended that having regard to the latter decision of this Court, the earlier decision in Shashi Sharma (supra) may not be relied upon.

5. We have perused closely the judgment of this Court in *Sebastiani Lakra* (supra) and we find that the three-judge Bench of this Court in the said case has clearly distinguished the reasoning of this Court in *Shashi Sharma* (supra) and in paragraphs 18 and 20 thereof has observed in that case it was a employers' family benefit scheme which was totally different from the Rules under consideration in *Shashi Sharma* (Supra).

6. We find that the observations of this Court in *Sebastiani Lakra* (supra) distinguishing the case of *Shashi Sharma* (supra) clearly applies to the case in hand. It is observed that the amount of Rs.31,37,665/- (Rupees Thirty One Lakhs, Thirty Seven Thousand and Six Hundred and Sixty Five only) was paid to the dependents of the deceased-employee who are the petitioners herein under the aforesaid Rules since the said Rule was by way of compassionate assistance owing to the sudden death of the employee in harness for any reason whatsoever including as a result of a road traffic accident. This is in order to compensate the loss of the bread earner of the family who dies in harness.

In the case of a motor vehicle accidents, when negligence is proved, loss of dependency is compensated for the very same reason. In our view, there cannot be a duplication in payments or a windfall owing to a misfortune. In another words, on the death of the person in harness, owing to a road traffic accident the dependents of a deceased cannot be doubly benefited as opposed to those who are dependents of a deceased who dies owing to illness or any other reason under the Rules formulated by the Haryana Government.

7. In the circumstances, we find no merit in this petition.

8. Hence, the special leave petition is dismissed.

9. Pending application(s), if any, shall stand disposed of.

. . . . ., J  
[B.V. NAGARATHNA]

. . . . ., J  
[AUGUSTINE GEORGE MASIH]

NEW DELHI,  
FEBRUARY 05, 2024

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5044/2019  
(Arising out of impugned final judgment and order dated 12-11-2018  
in FAO No. 1397/2013 passed by the High Court of Punjab & Haryana  
at Chandigarh)

KRISHNA &amp; ORS.

Petitioner(s)

VERSUS

TEK CHAND &amp; ORS.

Respondent(s)

Date : 05-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Ms. Archana Pathak Dave, AOR

Mr. Himanshu Sharma, AOR  
Ms. Aditi Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Lokesh Solanki, Adv.  
Mr. Sandeep Bhardwaj, Adv.

For Respondent(s) Mrs. Alka Agarwal, A.A.G.  
Dr. Monika Gusain, AOR

Mr. Sandeep Jha, Adv.  
Mr. Binay Kumar Das, AOR  
Mr. Ram Ekbal Roy, Adv.  
Mr. Aman Nihal, Adv.  
Mr. Sanjay Kumar Singh, Adv.  
Ms. Priyadarshani Mishra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The special leave petition is dismissed in terms of the signed  
order.

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)  
COURT MASTER (SH)

(MALEKAR NAGARAJ)  
COURT MASTER (NSH)

(Signed order is placed on the file)