

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 19714/2020

(Arising out of impugned final judgment and order dated 15-10-2019 in FAO No. 3948/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

THE ORIENTAL INSURANCE CO. LTD.

Petitioner(s)

VERSUS

SUKHWINDER SINGH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.98298/2020-CONDONATION OF DELAY IN FILING and IA No.98300/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Rajesh Kumar Gupta, AOR

For Respondent(s)

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

We have heard learned counsel for the petitioner.

Delay condoned.

Learned counsel for the insurance company contends that the children were majors and married and thus, they were not dependent on the deceased who was a lady and was receiving pension of her husband. He submits that the dependency has been taken into account and that is why 1/3rd has been excluded.

We put a question to the learned counsel that had the lady continued to live, there would have been savings from this pension amount which would have been accretion to her estate which would devolve when she passed away. This time period was cut short.

In view of the aforesaid position, though the impugned order may not have worded it in this manner, we are of the view that in the given facts of the case, this really amounts to accretion to her estate and not merely a question of dependency.

We are thus, not inclined to interfere with the impugned order under Article 136 of the Constitution of India.

The Special Leave Petition is accordingly dismissed.

Pending application(s) stand(s) disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR