

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

FAO No. 158 of 2008

Date of Decision:- 25.05.2015

Kulwinder Kaur and others

.....Appellants

Versus

Mohan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. J.S. Ahluwalia,, Advocate
for the appellant.

Ms. Tarunpreet Kaur, Advocate
for Ms. Kanika Sachdeva, Advocate
for respondent No.1.

Mr. Neeraj Khanna, Advocate
for respondent No.2.

SHEKHER DHAWAN, J.

Appellants-claimants being dissatisfied with the awarded amount of compensation, vide order dated 18.10.2006, passed by Workman Compensation Commissioner & Asstt. Labour Commissioner, Patiala (hereinafter to be referred as 'The Workman Commissioner').

2. Relevant facts for the purpose of decision of the present

appeal that Dalip Singh was working as Driver with respondent No.1 on his truck bearing registration No.PIL-9849 on payment of monthly salary of ₹4,000/- and apart from daily allowance at the rate of ₹50 per day. He was of the age of 40 years. On 10.08.2004, Dalip Singh was unloading the truck at M/s Datt Multi Mettal, Mandi Gobindgarh and when he had gone near the tool box, live electric wire touched him and he died due to electric shock and death was because of said accident. The truck was insured with National Insurance Company. 'The Workman Commissioner' after considering the entire matter, awarded compensation to the tune of ₹3,38,880/-, taking the age of deceased to be as 45 years and salary to be ₹4,000/- per month. Being dissatisfied with the award of amount, the claimants are in appeal before this Court.

3. Mr. J.S. Ahluwalia, Advocate, learned counsel for the appellants took the plea that the appellants are entitled statutory interest at the rate of 12% to be paid and no amount has been paid on account of penalty.

4. While arguing this point, Mr. Neeraj Khanna, Advocate, learned counsel for respondent No.2 took the plea that the liability to pay the penalty is of owner only.

5. Ms. Tarunpret Kaur, Advocate for Ms. Kanika Sachdeva, learned counsel for respondent No.1 took the plea that penalty is also to be paid by the insurance company.

6. Having considered the submissions made by learned counsel for the appellants, there is no dispute regarding death of workman in the

accident. The payment of compensation was not made on time. No payment on account of interest has been ordered. Accordingly, it is held that the claimants are also entitled to receive the said amount along with interest @ 12% from the date of compensation awarded by the commissioner till the date when payment was made.

7. Resultantly, the appeal party accepted.

May 25, 2015
naresh.k

(SHEKHER DHAWAN)
Judge