

FAO No. 1370 of 2011 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1370 of 2011 (O&M)

Date of Decision: December 02, 2016

The New India Assurance Company Ltd.

...Appellant

Versus

Surinder Kaur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.C. Gupta, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral):

The case has been listed because the service upon the respondent could not be effected.

At the request of learned counsel for the appellant, the main appeal is taken on board for consideration.

It is the contention of the learned counsel for the appellant that the primary ground on which the appeal has been preferred is that the interest, which has been ordered to be paid by the insurance company would be the liability of the owner of the vehicle. He, therefore, contends that the impugned order passed by the Commissioner under the Workmen's Compensation Act, Kurukshetra, dated 23.11.2010, cannot sustain.

This contention of the counsel for the appellant cannot be accepted in the light of the judgment of the Supreme Court in **Oriental Insurance Co. Ltd. Vs. Siby George**, 2012 (4) R.C.R. (Civil) 617, where,

it has authoritatively been held that the liability will be of the insurance

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company, if it has been informed within the time, as in the present case, the said aspect has been taken care of. Therefore, the award as passed by the Commissioner under the Workmen's Compensation Act, Kurukshetra, dated 23.11.2010 is in consonance with law, does not call for any interference by this Court.

The appeal, therefore, stands dismissed.

All the pending CMs also stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 02, 2016
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No