

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

FAO No.4989 of 2007 (O&M)

Date of Order: 21.08.2017

Hardial Kaur & Ors.

....Petitioners

Versus

M/s Zimidara Tractor Co. & Anr.

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikram Bali, Advocate for the appellants/claimants.

Mr. Deepak Aggarwal, Advocate for respondent No.1-
owner of the Offending Truck.

Mr. Suvir Dewan, Advocate for respondent No.2-
Insurance Company.

JASWANT SINGH, J (ORAL)

The claimants i.e widow and two sons of Kuldeep Singh (since deceased), are in appeal under Section 30 of the Workmen Compensation Act, 1923 directed against order dated 06.11.2006 passed by the Workmen Compensation Commissioner & Assistant Labour Commissioner, Patiala.

They are only seeking enhancement of compensation as it has not been correctly assessed.

At the time of hearing, learned counsel for the parties are agreed that in view of provisions of Section 4-A of the Workmen Compensation Act, 1923, the impugned order dated 06.11.2006 requires to be modified to the extent that the statutory interest at the rate of 12% per annum on the ascertained compensation of Rs.2,67,908/- payable w.e.f the date of expiry of

30 days of death of said Kuldip Singh on 24.07.2004, shall have to be awarded and paid. Besides, it is agreed that the funeral expenses at the rate of Rs.2500/- are also required to be awarded and paid. Since the owner of the offending truck was insured by the Insurance Company, therefore, the vicarious liability to pay the compensation by the Insurance Company is also admitted.

In view of the above agreed stand, the present appeal is partly allowed and the impugned order dated 06.11.2006 is modified to the aforesaid extent. In addition of whatever has been observed hereinabove, the Insurance Company shall also pay a sum of Rs.10,000/- as costs to the claimants.

August 21, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No