

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 9171 of 2017
Date of decision : January 08, 2018

The Regional Manager, Oriental Insurance Company Ltd. and others

....Petitioners

versus

Savitri Devi

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. D.C. Kumar, Advocate, for the petitioners

Fateh Deep Singh, J. (Oral)

This revision by unsuccessful judgment debtor Oriental Insurance Company Limited under section 115 of the Code of Civil Procedure read with Articles 226/227 of the Constitution of India is directed against order dated 15.11.2017 (Annexure P/2) passed by the court of learned Additional District Judge, Ludhiana while disposing off execution application filed by the widow of deceased Chander Parkash whereby the court below had held that the decree holder was entitled to recover Rs 13,28,500/- from the judgment debtor which amount was directed to be paid by 29.11.2017.

Upon hearing Sh. DC Kumar, counsel for the petitioners and perusal of the records it is undisputed by the counsel for the petitioners that the award dated 10.12.2010 Annexure P/1 has since attained finality as this

Court vide judgment dated 4.11.2011 has dismissed the plea of the JDs holding as under:-

“In my considered view, the wife of the deceased-workman and/or other dependents/family members deserve to be awarded all the service benefits up to the date of death of the deceased workman, who shall be deemed to have been reinstated with continuity of service till the date of his death”.

Since it is not at all to put to question as to the death of the workman and the fact that the applicant respondent-decree holder is the widow of the deceased workman she is certainly entitled to reap the benefits of the award. The lone contention that has sought to be raised that principle of 'no work no pay' ought to apply does not comes to the aid of the petitioner. It is well settled law that one cannot go beyond the award and therefore, needs to be enforced in toto as the same has attained finality. The court below in the impugned order has rightly reiterated the benefits that accrued to the workman out of the award and there being no material irregularity could be brought to the notice of this Court necessitating intervention by this Court. The revision being wholly without merits stands dismissed in limine.

January 08, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No