

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

FAO-1041-1989 (O&M)
Date of Decision : 24.4.2018

NATIONAL INSURANCE COMPANY

..... APPELLANT

VERSUS

SMT. SANTOSH KUMARI AND OTHERS

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.M.Suri, Advocate for the appellant.

None for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award of the Commissioner under the Workmen's Compensation Act awarding compensation for the death of Waryam Singh. Since a very limited issue has been raised by the counsel for the appellant-insurance company the detailed reference to facts may not be necessary.

The only contention raised by the counsel that in view of the decision in the judgment “**Ved Prakash Garg vs. Prani Devi and others 1998 ACJ 1**” the penalty amount could not be foisted upon the insurance company and could only have been levied on the respondents No. 3 and 4. None has appeared on behalf of the respondent despite service. Even otherwise this issue now beyond the pale of any controversy in view of the judgment passed in Ved Prakash's case which is cited by the counsel for the appellant.

In the circumstances, the contention has to be accepted. The appeal is allowed to the extent that the appellant would be entitled to recover the amount of penalty from the respondents No. 3 and 4.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

24.4.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No