

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

399

**FAO No.1337 of 1996 (O&M)
Date of Decision : 22.03.2018**

Jasbir Kaur and others

..... Appellants

Versus

Satbir Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : None for the appellants.

Mr. Suvir Dewan, Advocate
for the respondent No.2-insurance company.

None for remaining respondents.

AJAY TEWARI, J. (Oral)

This case was listed yesterday and a telephonic call was made to the counsel for the appellants and she stated that she would come today but none has entered appearance on behalf of the appellants even today.

This appeal has been filed by the claimants for enhancement of compensation under the Workmen's Compensation Act on account of death of Gurmeet Singh. Since only a limited issue is involved in the present appeal further detailed reference to the facts would not be necessary.

The first claim raised in the appeal is that penalty had not been imposed even though the compensation was not deposited by the respondent No.1. I find this to be correct. Consequently, I impose penalty of 50% of the awarded amount to be paid by the respondent No.1.

The second claim raised in the appeal is that interest had been granted only @ 6% whereas as per the statute it should be 12% p.a. Counsel for the respondent No.2 has not been able to deny that. Consequently, I raise the interest to 12%.

The third claim raised in the appeal is that the compensation should be assessed from one month after the date of accident and not from the date of filing of claim petition. Counsel for the respondent No.2 has fairly accepted that this is indeed the position in law. Consequently, I hold that the compensation should be awarded from one month after the date of accident.

In the circumstances, the appeal is allowed to the above extent and the award is modified accordingly.

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

A copy of this order be sent to the appellants as well as the Commissioner-respondent No.2 through registered post acknowledgment due so that the enhanced compensation may be disbursed to the appellants.

March 22, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No