

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

Date of Decision : 2.4.2018

434 FAO No. 2458 of 1996 (O&M)

Smt. Krishna and another Appellants

vs.

Sh. Anil and another Respondents

434-A FAO No. 2459 of 1996 (O&M)

Sh. Vinod Kumar Appellant

vs.

Sh. Anil and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Jitender Dhanda, Advocate
 for the appellants.

 Mr. Prashant Gupta, Advocate
 for respondent No.1.

 Mr. Paul S. Saini, Advocate
 for the Insurance company.

AJAY TEWARI, J. (Oral)

These two appeals arising out of the same accident and had been filed by the claimants in both the cases for enhancement. Since a very limited ground has been urged further detailed reference to the facts may not be necessary.

The contention raised is that though on the date of the accident there was a particular income ceiling yet during the pendency of the claim petitions that ceiling was revised and it is therefore prayed that the revised

ceiling be taken into consideration for working out the compensation. Counsel for the respondents has relied upon a decision of this Court passed in FAO No. 4422 of 2002 titled as “**Kamlesh and others vs. Gyan chand and others**” decided on 4.12.2015 wherein this Court after relying upon the decision of the Supreme Court in the matter of “**Oriental Insurance Company Ltd. vs. Siby George and others (2012) 12 SCC 540**” held that the crucial date is the date of the accident (or the date of death as the case may be) and the provisions applicable on that date/s would have to be invoked and any subsequent amendment could not be held applicable. Counsel for the appellants is not able to cite any contrary judgment.

Both the appeals are dismissed.

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

(AJAY TEWARI)
JUDGE

2.4.2018
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No