

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

374

FAO-2400-1997 (O&M)
Date of Decision : 15.5.2018

Smt. Usha and others

...Appellants

vs.

Sh. Surinder Kuma and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.B.R.Vohra, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the claimants for the enhancement of compensation. Since a very limited ground has been urged further detailed reference to the facts may not be necessary.

The issue which is raised in this appeal was that the amendment which came into existence 15.9.1995 should have been invoked to grant benefit to the appellant. This matter is no longer res integra. 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. Consequently, the amendment would not enlarge the compensation. The appeal stands dismissed.

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

15.5.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No