

Hazura Singh Vs. Bal Kishan Jain and ors.

Present: Mr.Amit Kaith, Advocate for the appellant.

Mr.R.K.Bashamboo, Advocate, with
Ms.Sangina Sharma, Deputy Manager, and
Mr.Sumit Raval, A.O.,
Oriental Insurance Company Limited.

* * * *

As agreed, as per statements of learned counsel for the appellant and learned counsel for the Insurance Company, separately recorded, a sum of ₹25,875/- (₹ Twenty Five Thousand Eight Hundred Seventy Five Only) over and above the amount of compensation of ₹3,88,170/- already awarded by the Commissioner under the Employee's Compensation Act, vide impugned order, is granted to the appellant in full and final settlement of the claim in this appeal.

It has been stated by learned counsel for the appellant that out of the said amount of ₹3,88,170/-, a sum of ₹77,634/- is yet to be recovered from the respondent – Insurance Company as the Insurance Company got stay regarding the said amount.

It has been stated by learned counsel for the respondent – Insurance Company that the said amount is lying deposited with the Commissioner under the Employee's Compensation Act and that the respondent – Insurance Company has no objection if the appellant is permitted to withdraw the said amount of ₹77,634/- from the Commissioner under the Employee's Compensation Act.

It has been stated by learned counsel for the appellant that appellant would withdraw the said amount if the same has not been

withdrawn so far by the respondent – Insurance Company. However, if the

said amount has already been withdrawn by the Insurance Company, then appellant is entitled to the said amount of ₹77,634/- as well as ₹25,875/- over and above the amount of compensation already awarded by the Commissioner under the Workmen's Compensation Act. Learned counsel and representatives of the Insurance Company are agreed to the said submission of learned counsel for the appellant.

Thus, as agreed by learned counsel for the appellant, learned counsel and representatives of the Insurance Company, two months' time is allowed to the Insurance Company to deposit the amount before the Commissioner under the Employee's Compensation Act, 1923, Union Territory Chandigarh, failing which, interest at the rate of 9% per annum shall follow on this amount till payment from the date of this order.

Appeal stands disposed of accordingly.

Copy of the order be supplied/sent to the counsel/parties and file be returned to the High Court.

(R.K.Nehru)
President

21.02.2018
P.seth

(Ram Chand Gupta)
Member