

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

211

FAO-1819-2014 (O&M)

Date of decision: 22.07.2019

IFFCO TOKIO GENERAL INSURANCE CO. LTD AND ANR. .

... Appellants

Versus

KUSUM AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Arun Sharma, Advocate for the appellants.
Mr. Amit Singla, Advocate for respondents No.2 and 3.
Mr. Tara Chand, Advocate for respondent No.4.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 08.10.2012 passed by the Commissioner under the Employees Compensation Act, 1923, Hisar assessing compensation on account of death of Rajesh son of Laxmi Devi and Parkash during course of employment as helper/cleaner on vehicle Tata Mexico HR-61A-4321 owned by Jagbir Singh respondent No.1 therein and claimants Kusum etc. were awarded compensation to the tune of Rs.5,78,607/- and appellant insurance company was directed to deposit the amount within 30 days from the date of order, failing which it shall carry simple interest @ 12% per annum from the date of order till realization.

The appeal against respondent No.1-Kusum, widow of Rajesh was dismissed by this Court on 14.11.2018.

A relevant extract therefrom, reads as follows:-

Notice to respondent No. 1 could not be issued as counsel for the appellants did not comply with order dated 30.1.2018 despite expiry of more than nine months. A relevant extract from order dated 30.1.2018, reads as follows:-

“Counsel for the appellants seeks one more opportunity of three weeks to ascertain the correct address of respondent No. 1. In that event, let fresh notice be issued to respondent No. 1 for 31.7.2018.”

In view of the above, appeal against respondent No. 1 is ordered to be dismissed for want of necessary compliance. Its adverse affect qua appeal against respondents No. 2 to 4

would be seen at the time of final disposal of the appeal.

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Since appeal against one of the claimants has already been dismissed by this Court, the insurance company cannot press for modification of the award to the prejudice of one of the claimants namely Kusum. As such, nothing survives for consideration of this Court.

In view of what has been discussed hereinbefore, the appeal stands disposed of.

22.07.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No