

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

XOBJC-62-CII of 2015 (O&M) in/and

FAO No.9032 of 2014 (O&M)

Date of decision: 03.04.2019

New India Assurance Co. Ltd.

... Appellant

Versus

Smt. Ramrati and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Monika Jangra, Advocate for the appellant.

Mr. Munish K. Garg, Advocate
for respondents No.1 to 3/cross objectors.

Mr. Pramjeet Singh, AAG, Haryana.

Mr. Subhash Rana, Advocate for respondents No.4 and 5.

REKHA MITTAL, J. (Oral)

CM No.7809-CII of 2015 in XOBJC-62-CII of 2015

Heard.

Allowed as prayed for. Delay of 18 days in filing the cross
objections stands condoned.

Main Case

This order will dispose of FAO No.9032 of 2014 and cross
objections No.62-CII of 2015 as these have emerged out of the same order
dated 20.05.2014 whereby compensation has been assessed on account of
death of Manphool Singh in an occurrence that took place on 25.09.2004
but Manphool Singh succumbed to the injuries on 12.12.2004.

FAO No.9032 of 2014 has been filed by the New India Insurance Co. Ltd. (hereinafter referred to as 'the insurance company') whereas the cross objections have been filed by the claimants seeking enhancement of compensation.

Counsel for the insurance company would argue that Manphool Singh died on 12.12.2004 but the application for compensation was filed on 15.02.2007, beyond a period of two years prescribed in the Act and as such, the application for compensation is barred by limitation. The second submission made by counsel is that the deceased is stated to be working as driver on tractor HR-32A-9619 but driving licence of the deceased has not been produced on record, therefore, liability to pay compensation has wrongly been fastened upon the insurance company.

Counsel representing the claimants, on the other hand, would argue that an application for condonation of delay in filing the claim was filed and the same was allowed by the Commissioner taking into consideration the legislative intent behind the provisions of the Act being a social welfare legislation. It is further argued that there was delay of approximately two months in filing the application for compensation and the same has rightly been condoned by the authority concerned. To substantiate plea of claimants for enhancement of compensation, it is argued that claimants are entitle to interest @ 12% per annum on the amount of compensation from the date of accident till realization.

The Commissioner has condoned delay of approximately two months in filing the claim application. Keeping in view the object of the

Act being a measure of social welfare legislation, I do not find any reason to interfere in the order of Commissioner allowing application for condonation of delay.

Contention of the insurance company with regard to non-production of driving licence is squarely covered against insurance company in the light of judgment of this Court **New India Assurance Co. Ltd. VS. Bawa Singh and others, FAO No.993 of 1996, decided on 27.03.2019.**

Manphool Singh sustained injuries in September, 2004 but he passed away on 12.12.2004. Counsel for the claimants has fairly conceded that cause of action to claim compensation with regard to death of Manphool Singh accrued to the claimants on 12.12.2004. That being so, interest @ 12% per annum on the amount of compensation assessed by the Commissioner would be payable w.e.f. 12.12.2004 till realization. The findings of the Commissioner with regard to payment of interest are accordingly modified.

In view of what has been discussed hereinbefore, finding no merit, the appeal preferred by the insurance company is dismissed. However, cross objections preferred by the claimants are partly allowed in the aforesaid terms. Since the appeal has been disposed of, stay, if any, granted by this Court stands vacated.

03.04.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No