

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

FAO No. 6280 of 2013(O&M)

Date of decision: 23.5.2019

Inderjit Singh @ Popa and anotherAppellants

VERSUS

Tikka SinghRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. A.K. Walia, Advocate for the appellants.

Mr. P.K.S. Phoolka, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against order dated 14.01.2013 passed by the Commissioner, Bathinda under the Employees' Compensation Act, 1923 (for short 'the Act') whereby compensation has been assessed on account of death of Gurpreet Singh son of Tikka Singh in the course of employment on account of sustaining injuries on 10.06.2009 but Gurpreet Singh died on 27.06.2009.

An extract from order dated 01.05.2019 reads as follows:

“CM No.25785-CII of 2013 and CM No.20541-CII of 2017 in
FAO No.6280 of 2013

INDERJIT SINGH @ POPA & ANR V/S TIKKA SINGH

Present : Mr. Divyadeep Walia, Advocate for the
applicants-appellants (CM No.25785-CII of
2013).

Mr. PKS Phoolka, Advocate for the applicant-
respondent (CM No.20541-CII of 2017).

CM No.25785-CII of 2013

Heard.

Application seeking exemption from deposit of the amount awarded by the Commissioner under the Employees Compensation Act, 1923 is dismissed.

CM No.20541-CII of 2017

Counsel for the appellants would state that as per instructions received from counsel representing the appellants before the Commissioner concerned, compensation amount has already been paid to the claimants in execution proceedings. He prays for a short accommodation to get file an affidavit of the appellants with regard to payment of compensation. Failure of the appellants to file such an affidavit would entail dismissal of the appeal.

Adjourned to 23.05.2019.

To be taken up immediately after incomplete cases.”

Counsel for the appellants has neither complied with order dated 01.05.2019 nor he is in a position to say positively that amount of compensation has either been deposited with the Commissioner concerned or paid to the respondent/claimant. However, counsel for the respondent/claimant would state, on instructions, that till date no compensation has been deposited with the office of Commissioner nor any payment has been made to the respondent. The application seeking exemption from depositing the amount of compensation in compliance

with the provisions of Section 30 of the Act was dismissed on the last date of hearing.

In view of above, the appellants cannot maintain this appeal without necessary compliance of the statutory provisions under Section 30 of the Act. That being so, the appeal is liable to be dismissed and ordered accordingly.

MAY 23, 2019		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no