

FAO- 365 of 1994 (O&M)
Date of Decision: 15.1.2020

New India Assurance Company Limited

---Appellant

versus

Raj Kumari and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Deepak Suri, Advocate
for the appellant**

Rekha Mittal, J.

Challenge in the present appeal has been directed against award dated 16.8.1993 passed by the Commissioner under Workmen's Compensation Act, 1923, Patiala whereby compensation has been assessed on account of death of Bawa Singh son of Babbar Singh during the course of employment.

The Commissioner awarded Rs. 78,824/- to be paid by respondent No. 2 therein namely New India Assurance Company Limited. The Commissioner also made an order for payment of penalty to the tune of 35% of compensation assessed and same was also held to be paid by respondent No. 2 therein.

Counsel for the appellant would fairly inform that appeal against respondent No. 5, the insured has been dismissed vide order dated 18.3.2019. Appellant has also failed to file application for impleading legal representative(s) of respondent No. 3, in terms of order dated 18.3.2019 and

as such, appeal against respondent No. 3 is also dismissed.

Since appeal against respondent No. 5 has already been dismissed, award passed by the Commissioner can not be modified to his prejudice. That being so, nothing survives for consideration of this Court.

For the foregoing reasons, the appeal stands disposed of.

(Rekha Mittal)
Judge

15.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No