

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

Date of Decision: February 19, 2020

1. FAO-449-1996 (O&M)

NATIONAL INSURANCE CO. LTD. KARNAL

...Appellant

Versus

AJIT SINGH AND OTHERS

...Respondents

2. FAO-2799-1996 (O&M)

AJIT SINGH AND ANOTHER

...Appellants

Versus

SURINDER KUMAR AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL.

Present: Mr. Suman Jain, Advocate, and
Mr. Shubham Jain, Advocate
for the appellant in FAO-449-1996 &
for respondent No. 2 in FAO-2799-1996.

Mr. Satnam Sishodia, Advocate,
for Mr. Jagmal Singh, Advocate
for the appellants in FAO-2799-1996 &
for respondent Nos. 1 and 2 in FAO-449-1996.

REKHA MITTAL, J. (ORAL)

This order will dispose of FAO Nos. 449 and 2799 of 1996, as these have emerged out of the same order dated 31.10.1995, passed by the Commissioner under the Workmen's Compensation Act, 1923, whereby compensation has been assessed on account of death of Sahib Singh, working as a driver for respondent Surinder Kumar, on truck No. 6667.

FAO No. 449 of 1996 has been filed by the National Insurance Company Limited (hereinafter referred to as the 'Insurance Company'), whereas the other appeal has been filed by the appellant/claimants seeking additional compensation.

FAO-449-1996:

Counsel for the appellant would inform that appeal filed by the Insurance Company against respondent No. 3-Surinder Kumar, registered owner of aforesaid truck has been dismissed vide order dated 20.01.2020, therefore, nothing survives for consideration.

In view of above, the appeal stands dismissed.

FAO-2799-1996

The Commissioner awarded compensation to the tune of Rs.86,764/- by assessing wage of the deceased @ Rs.1,000/- per month. The claimants were held entitle to interest @ 6% per annum from 14.10.1992 to 31.10.1995, amounting to Rs.15,916/-, making total sum of Rs.1,02,680/-. Respondent No. 2-Insurance Company was directed to deposit the aforesaid amount upto 15.12.1995, otherwise compound interest @ 12% per annum on the amount of compensation was held to be payable.

Counsel for the appellants would argue that wage of the deceased assessed by the Commissioner is grossly inadequate and merits enhancement. It is further argued that interest on the amount of compensation shall be payable 30 days of expiry from the date of

occurrence, i.e. 11.01.1992, but interest has been awarded w.e.f. 14.10.1992.

Counsel representing the Insurance Company, on the contrary, supported assessment of compensation and liability to pay interest.

The plea of appellant-claimants is that deceased was working as truck driver at a monthly wage of Rs.2,500/- per month. However, Ajit Singh, father of the deceased appeared in the witness box and deposed that deceased was drawing wage of Rs.1,500/- per month. Taking a clue from notification issued by the Haryana Government fixing minimum wage at the relevant time, coupled with materials on record, wage of the deceased is assessed at Rs.1,500/- per month. By applying factor of 216.91 and criterion followed by the Commissioner for computing compensation, the claimants shall be entitle to Rs. 1,30,146/- (Rs.1,500/- X 40 / 100 X 216.91). Amount of compensation shall carry interest @ 6% per annum w.e.f. 11.02.1992 till actual realisation irrespective of whether the amount is deposited on 15.12.1995 or otherwise.

Accordingly, the appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

February 19, 2020

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO