

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

**(1) CM-9366-CII-2020 in/and
FAO-3671-2005**

New India Assurance Company Limited ...Appellant

Versus

Anita and others ...Respondents

**(2) CM-9364-CII-2020 in/and
FAO-3495-2005**

Anita and another ...Appellants

Versus

Nafish Ahmad and another ...Respondents

Date of Decision : 19.11.2020

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Paul S. Saini, Advocate,
for applicant-appellant in FAO-3671-2005
and for respondent No.2/Insurance Company
in FAO-3495-2005 .**

**Mr. Ashit Malik, Advocate
for the applicant-appellant in FAO-3495-2005 and
for respondents No.1 and 2 in FAO-3671-2005.**

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-9364-CII-2020

**Present application has been filed for fixing actual date for the
hearing of the main appeal i.e. FAO-3495-2005, which stands admitted,**

keeping in view the facts and circumstances of the present appeal.

Learned counsel for the applicants-appellants submits that the applicants-appellants are suffering prejudice due to the non-hearing of the present appeal, which stands admitted and pray that the main appeal FAO-3495-2005 may kindly be heard at an early actual date.

Notice of the application to the counsel opposite.

Mr. Paul S. Saini, Advocate, who has joined the proceedings through video conference, accepts notice on behalf of the non-applicant/respondent No.2 and raises no objection in case, the hearing of the main appeal i.e. FAO-3495-2005 is fixed for today as cross-appeal filed by him on behalf of Insurance Company is already listed for hearing today.

Application is allowed. Main appeal i.e. FAO-3495-2005 is taken up on board for hearing today itself with the consent of both the parties as the cross-appeal filed against the same award is also listed today.

By this order, the above-said two cross-appeals are being disposed of, which have been filed against the same award.

FAO-3571-2005 (O&M)

In the appeal filed by appellant-Insurance Company i.e. FAO-3671-2005, the challenge is to the interest awarded by the Commissioner while exercising jurisdiction under the Workmen's Compensation Act, 1923, on the amount of compensation awarded.

Learned counsel for appellant-Insurance Company submits that he has instructions not to press this appeal any further and to withdraw the same as the applicant-Insurance Company have decided to implement the award, impugned in the present appeal, even qua the grant of interest.

Ordered accordingly.

FAO-3495-2005

Learned counsel for appellants/claimants appearing in cross-appeal being FAO-3495-2005 submits that though, the appellants/claimants had claimed for enhancement of compensation in the present appeal, but they are not pressing the same. Learned counsel for appellants/claimants further submits that as the cross-appeal filed by the Insurance Company has been withdrawn and the Insurance Company has decided to implement the award given by the Commissioner while exercising jurisdiction under the Workmen's Compensation Act, 1923 even qua the grant of interest, the same be implemented in a time bound manner.

Keeping in view the fact that the claim for enhancement has been given up by learned counsel for the applicants-appellants/claimants, the said appeal is being disposed of with a direction to the respondent No.2- Insurance Company to implement the award dated 25.05.2005 qua the release of interest and the interest part already deposited by the Insurance Company before the Competent Court be released to the applicants-appellants/claimants within a period of four weeks from the date of receipt of certified copy of this order.

Both the appeals are disposed of in above terms.

November 19, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No