

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CM-9280-CII-2020 in/and
FAO-517-2007 (O&M)
Date of Decision:- 27.10.2020

New India Assurance Co. Ltd.

... Appellant

Versus

Leela Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harsh Aggarwal, Advocate,
for the applicant-appellant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CM-9280-CII-2020

This application has been filed on behalf of the appellant/New India Assurance Co. Ltd. through Sh. Harsh Aggarwal, Advocate, with a prayer that the main appeal be taken up and disposed of having been rendered infructuous. An alternate prayer has also been made for dismissal of the appeal as withdrawn.

While Sh. Harsh Aggarwal, Advocate, the learned counsel for the applicant-appellant has pressed upon the aforesaid application, Sh. Ravinder Arora, Advocate, through whom the appeal had initially been filed

has raised an objection that the application be not entertained as a formal 'no objection' has not been obtained from him. Sh. Ravinder Arora, Advocate, has submitted that in fact there is a dispute regarding payment of fee and that the matter is pending in the High Court on the judicial side.

Sh. Harsh Aggarwal, Advocate has submitted that since the appellant/New India Assurance Co. Ltd. has now engaged him as a counsel to represent its cases and has also executed a power of attorney in his favour, therefore, he is within his competence to pursue the matter as per the directions of the appellant.

Learned counsel for the appellant has further submitted that the sole question involved in the appeal was as to whether it is the insurance company is to be held liable for payment of the interest on the compensation amount awarded under Workman Compensation Act. It has been submitted that the aforesaid matter has been set at rest by Hon'ble the Supreme Court in OIC Ltd. Vs. Siby George 2012 ACJ 2126 and North East Karnatka Road Transport Co. Vs. Sujatha 2019 ACJ 29 wherein it has been authoritatively held that it is the insurance company which has to pay the interest amount. It has thus been submitted that there is no use in further pursuing the appeal as the matter in question stands authoritatively decided by the Hon'ble Supreme Court and as such the same may be dismissed as withdrawn.

In view of the aforesaid submission, the appeal is preponed and is taken on Board today.

FAO-517-2007 (O&M)

In view of the specific prayer made by counsel for the appellant Sh. Harsh Aggarwal, Advocate, the application is allowed and the main case i.e. FAO No.517-2007 is dismissed as withdrawn.

It is however, made clear that the disposal of this appeal, in no way, shall affect the right of Sh. Ravinder Arora, Advocate, to claim his fee from the appellant, if the same is found due.

October 27, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No