



[230] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1050-1997 with
XOBJC-76-CII-1997
Date of Decision : 31.07.2024

Chanan Ram ...Appellant
versus
Smt. Bala Devi and othersRespondents

Coram : **HON’BLE MR. JUSTICE PANKAJ JAIN**

Present: None for the appellant.
Mr. Rakesh Gupta, Advocate for respondent Nos.1 to 4-
claimants/cross-objectors.
Mr. S.S. Sidhu, Advocate for respondent No.5.

PANKAJ JAIN, J. (ORAL)

FAO-1050-1997

- [1] Appeal preferred by the insurer against the penalty.
- [2] None has appeared on behalf of the appellant.
- [3] Dismissed for non-prosecution.

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- [4] Cross-objectors/claimants have filed cross-objections, seeking modification of the award passed by the Commissioner under the Workmen’s Compensation Act, Kurukshetra.
- [5] Counsel for the Cross-objectors/claimants refers to calculation of the compensation made in Para No.14 to submit that once the income of the deceased was assessed to be Rs.1200/- per month, Commissioner ought to have calculated the same by multiplying 50% thereof with the relevant



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error has crept in calculation, which is evident on the face of the record.

The other infirmity he points out is with respect to rate of interest, which has been awarded by the Commissioner @ 6% till the date of award and 12% beyond that. He submits that the same also ought to have been awarded @ 6% only till 15.09.1995 and beyond the date of coming into operation of Act 30 of 1995 w.e.f. 15.09.1995, the interest ought to have been calculated @ 12% per annum.

[6] Counsel for the insurer is not in a position to dispute the aforesaid factual mistakes committed by the Commissioner.

[7] In view of the above, the present cross-objections are allowed. The compensation awarded is modified to the extent as calculated hereunder:-

$$21,847 \times 600 / 100 = 1,31,082 \text{ /-}$$

[8] On the aforesaid compensation, the Cross-objectors/claimants will be entitled for interest to be calculated @ 6% per annum upto 14.09.1995 and beyond that @ 12% for the period from the date of application, till the date of actual realization.

[9] Needless to say, the amount already paid shall be set-off. The penalty shall also abide by the aforesaid corrected/enhanced amount of compensation.

(PANKAJ JAIN)
JUDGE

31.07.2024