



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

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FAO-1579-1997**Date of decision : 12.11.2025****Jiviben and others****..... Appellants****versus****Satter Bhai Ahmedbhai and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Kushagra Mahajan, Advocate
for the appellants.

Mr. Amandeep Rana, Advocate
for respondent No.1 (through V.C.).

Mr. H.S. Dhandi, Advocate
for respondent No.3.

PANKAJ JAIN, J. (Oral)

1. Claimants are in appeal against the order dated 31.03.1997 passed by Commissioner under Workmen's Compensation Act, 1923.

2. The claim is based with respect to the accident dated 09.04.1994 in which Hussain Bhai Kasimbhai Patel lost his life in an accident arising out of and during the course of employment. The compensation has been awarded in terms of the provisions contained under Section 4 of 1923 Act prior to the amendment of 1995, i.e. the provision as was applicable on the date of accident.

3. Counsel for the claimant-appellant assails the order passed by the Commissioner on the ground that the amended clause which came into operation during the pendency of the claim petition ought to have been applied. The issue raised by counsel is no more *res integra*



and has been decided by Supreme Court in *Civil Appeal No.9046 of 2019*, titled as '*K. Sivaraman & Ors. vs. P. Sathishkumar and anr.*' decided on 13.02.2020.

4. In view of the aforesaid ratio, the amended provision having no retrospective operation, no fault can be found with the order passed by the Commissioner, whereby the compensation has been awarded as per the provision which was in vogue on the date of accident.

5. No other issue has been argued.

6. Finding no merits in the present appeal, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

12.11.2025

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Whether speaking/reasoned : Yes

Whether Reportable : No