



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

FAO-6909-2018 (O&M)

Date of decision : 06.08.2025

MONU DEVI AND ANR.

....Appellants

Versus

KRL TRANSPORT (P) LTD AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashwani Arora, Advocate for the appellants.

Mr. Sunil Kumar, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

CM-24400-CII-2018

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 112 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicants/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 112 days in filing the instant appeal is hereby condoned.

CM-24401-CII-2018

Allowed as prayed for subject to all just exceptions.

FAO-6909-2018

Claimants are in appeal aggrieved of the order dated 22.09.2017 passed by Commissioner under the Employee's Compensation Act, 1923,



U.T., Chandigarh, whereby the claim petition seeking compensation on account of death of Suraj Pal Singh in an accident arising out of and during the course of employment, stands dismissed.

2. Issue No.1 w.r.t. relationship of employer-employee stands answered in favour of the claimants.

3. Issue No.2 regarding death of the deceased as a result of accident arising out of and during the course of employment, also stands answered in favour of the claimants. However, the claim petition has been dismissed holding that document, Exhibit AW-7 i.e. copy of the driving licence of the deceased, tendered by his dependents/claimants shows that the same was not valid at the time of accident. Relying upon the same, the Commissioner held that the deceased was driving the vehicle at his own risk and thus, the respondents are not entitled to any relief.

4. Counsel for the appellants has assailed the aforesaid findings. He has placed on record copy of driving licence (Exhibit AW-7) as Annexure A-1 to the present appeal. He submits that initially the driving licence was issued from 13.05.2005 to 04.09.2009. Thereafter, it was renewed from 04.09.2009 till 04.09.2012. There is an endorsement under the signatures and seal of Licensing Authority, Hardoi. He submits that in view of the fact that the licence got renewed from 04.09.2009 till 04.09.2012, Suraj Pal Singh cannot be held to be not in possession of valid licence on the date of the accident i.e. on the intervening night of 31.05.2011/01.06.2011.



5. Counsel for respondent No.2/Insurance Co. is not in position to dispute the aforesaid fact.
6. In view of above, this Court finds that the present appeal merits acceptance. Findings on Issue No.3 recorded by the Commissioner are ordered to be reversed holding that the deceased Suraj Pal Singh was holding a valid and legal licence to drive the vehicle on the date of accident.
7. It has come on record that Suraj Pal Singh was 26 years of age at the time of death and was earning Rs.8,000/- per month as salary. Thus, the compensation payable shall be **Rs.8000/-X 50%X 215.28 (relevant factor as per Schedule) = Rs.8,61,120/-**. In view of the provisions of the 1923 Act, funeral expenses of **Rs.5,000/-** are further awarded to the claimants.
8. The compensation awarded i.e. **Rs.8,61,120/-** shall further carry an interest **@ 12% per annum** for the period commencing from the date 30 days after the accident till the date of actual realization.
9. Claimants are also held entitled for penalty **i.e. 50%** of the awarded amount, which shall be borne by the employer i.e. respondent No.1.
10. The penalty shall carry interest **@ 6% per annum** from the date of filing of the claim petition till the date of actual realization.
11. Accordingly, the instant appeal is allowed.

August 06, 2025
Dpr

(Pankaj Jain)
Judge

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