



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

125

FAO-2532-2024 (O&M)

Date of decision : 28.04.2026

Gafoondi @ Gafudi and others**..... Appellants****versus****Mohammad Sharif and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Digvijay, Advocate
for the appellants.

Mr. Sanjeev Kodan, Advocate
for respondent No.2-Insurance Company.

PANKAJ JAIN, J. (Oral)**CM-9482-CII-2024**

This is an application filed under Section 5 of the Limitation Act seeking condonation of delay of 288 days in filing the appeal.

The applicant and the claimants seeking enhancement of compensation and feeling aggrieved of denial of penalty as adumbrated under Section 4A(3)(b) of 1923 Act.

Keeping in view the beneficial nature of the legislature and the fact that no third party right has accrued in the meantime, delay of 288 days is ordered to be condoned as the applicant has made sufficient cause for condonation of the same.

Application stands allowed.

Main case

1. The grievance of the appellants is that no order has been passed qua penalty as contemplated under Section 4A(3)(b) of 1923 Act.

Since in terms of ratio of law laid down in *Ved Prakash Garg vs. Prem Devi* reported as **1997 AIR (SC) 3854**, liability to pay penalty has to be borne by the employer, this Court deems it appropriate to dispose off the present appeal directing the Commissioner to pass appropriate order, in accordance with law qua penalty payable to the appellants strictly in accordance with law after issuing show cause notice to respondent No.1.

3. Parties to appear before the Commissioner on **01.06.2026**.
4. Keeping in view that the claim relates to the year 2020, this Court is sanguine that the Commissioner shall make an endeavour to decide the issue of penalty expeditiously. Rest of the award is maintained.
5. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

28.04.2026
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No