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

**CM-2367 & 2368-CII-2017 in
FAO-1305-2012 (O&M)
Date of decision : 19.01.2026**

BALWINDER KAUR AND ORS

....Appellants

Versus

JOGINDER KUMAR AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : None for the applicants/appellants.

Mr. Lalit Garg, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

CM-2368-CII-2017

1. This is an application filed under Order XLI Rule 19 read with Section 151 CPC seeking restoration of the appeal to its original number, accompanied by an application bearing CM No.2368-CII of 2017 filed under Section 5 of the Limitation Act, seeking condonation of delay of 740 days in filing the application.
2. From the averments made in the application, it is evident that the non-appearance of the counsel is solely attributable to the counsel and his office.



3. In view thereof, this Court finds that the applicants/appellants should not be made to suffer on account of lapse on part of their counsel and his office.

4. Consequently, the application seeking condonation of delay (CM-2367-CII-2017) as well as application seeking restoration of main appeal (CM-2368-CII-2017), are hereby allowed.

5. Delay of 740 days in filing the application under Order XLI Rule 19 CPC, is condoned.

6. The appeal is restored to its original number and taken on Board today itself for hearing.

CM-5349-CII-2012 in FAO-1305-2012

1. This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 78 days in filing the instant appeal.

2. 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.

3. Consequently, the present application is allowed. The delay of 78 days in filing the instant appeal is hereby condoned.

FAO-1305-2012 (O&M)

1. Claimants are in appeal aggrieved of the order passed by the Commissioner, Panipat under Workmen's Compensation Act, 1923 (now known as the Employee's Compensation Act, 1923 and hereinafter referred to as the '1923 Act').



2. After carefully perusing the impugned order passed by the Commissioner, this Court finds that the interest on the compensation has not been awarded in terms of the mandate of 1923 Act.
3. The operative part of the award granting compensation to the appellant, reads as under:

I, therefore, direct the respondent no.2 to deposit the following amount in this court within thirty days from the date of issue of the intimation failing which further interest @ 18 percent shall be payable on the whole amount till its realization.
No order as to cost. I order accordingly. Inform the parties.

Compensation Amount	Rs.306180-00
Interest	Rs.003408-00
Funeral Expenses	Rs.002500-00
Total amount	Rs.312088-00
(Total rupees three lacs twelve thousand eighty eight only)	

4. Section 4A of 1923 Act, reads as under:

4A. Compensation to be paid when due and penalty for default.—(1) Compensation under section 4 shall be paid as soon as it falls due.

(2) In cases where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accepts, and, such payment shall be deposited with the Commissioner or made to the [employee], as the case may be, without prejudice to the right of the [employee] to make any further claim.

[(3) Where any employer is in default in paying the compensation due under this Act within one month from the date it fell due, the Commissioner shall—



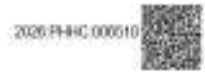
(a) direct that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent. per annum or at such higher, rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government by notification in the Official Gazette, on the amount due; and

(b) if, in his opinion, there is no justification for the delay, direct that the employer shall, in addition to the amount of the arrears and interest thereon, pay a further sum not exceeding fifty per cent. of such amount by way of penalty: Provided that an order for the payment of penalty shall not be passed under clause (b) without giving a reasonable opportunity to the employer to show cause why it should not be passed.

Explanation.—For the purposes of this sub-section, “scheduled bank” means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934.

[(3A) The interest and the penalty payable under sub-section (3) shall be paid to the [employee] or his dependant, as the case may be.]

5. Accordingly, the claimants are entitled to interest @ 12% per annum on the amount of compensation awarded by the Commissioner for the period commencing from 30 days after the date of accident i.e., 30 days after 24th of March, 2010 till the date of actual realization.
6. Rest of the award is maintained.
7. Needless to say anything paid/disbursed to the appellants, shall be set off.
8. Instant appeal is disposed off accordingly.



9. Pending application, if any, shall also stands disposed off.

January 19, 2026					(Pankaj Jain)
Dpr					Judge
	Whether speaking/reasoned	:		Yes/No	
	Whether reportable	:		Yes/No	