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**(2006) 02 P&H CK 0022**  
**In the Punjab And Haryana At Chandigarh**

New India Assurance Co. Ltd.

APPELLANT

Vs

Tarsem Lal and Others

RESPONDENT

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**Date of Decision :** 16-02-2006

**Acts Referred:**

**Citation :** (2006) 4 ACC 73

**Hon'ble Judges :** Jasbir Singh, J

**Bench :** Single Bench

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## Judgement

Jasbir Singh, J.

Civil Misc. No. 3383-CII of 2006

1. In view of reasons given in application which is accompanied by an affidavit, it is allowed and one day delay in filing the appeal stands condoned.

FAO No. 917 of 2006 (O & M)

2. Vide order, under challenge, Commissioner, under the Workmen's Compensation Act, 1923, awarded compensation to respondent No. 1/claimant, for death of Tara Chand his son, to the tune of Rs. 4,98,083 along with interest.

3. It is an admitted fact that the deceased was in employment of respondent No. 2 and he died while in service and in the discharge of his duties. To that extent, there is no dispute. Compensation has been awarded, by taking note of age of the deceased i.e., 22 years and his salary has been assessed only at Rs. 4,500 per month as the deceased was working as a driver. This Court feels that salary assessed is perfectly justified and rather is on the lower side.

4. So far as payment of interest is concerned, Counsel for the appellant has failed to show that in the Insurance policy, there was any negative clause to the extent that the appellant company shall not be responsible for payment of interest.

5. In view of ratio of judgment of Hon''ble Supreme Court in Ved Prakash Garg

Vs. Premi Devi and others, and also ratio of judgment of this Court in FAO No. 326 of 2006 titled as United India Insurance Co. Limited v. Smt. Shakuntla Devi and Ors. III (2006) A.C.C. 130 decided on 20.1.2006, no case is made out for interference.

6. Dismissed.