
(2012) 03 P&H CK 0471
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 3306 of 2011

Oriental Insurance Company

APPELLANT

Vs

Jarina and others

RESPONDENT

Date of Decision : 27-03-2012

Acts Referred:

Citation : (2012) 03 P&H CK 0471

Hon'ble Judges : Nawab Singh, J

Bench : Single Bench

Advocate : Vinod Chaudhri, for the Appellant;

Final Decision : Dismissed

Judgement

Nawab Singh, J.—This insurer's appeal is directed against the judgment dated November 30th, 2010 passed by Commissioner under the Workmen's Compensation Act, 1923, Mewat (for short 'the Commissioner'), whereby, claimants - respondents were awarded compensation of Rs. 4,51,461/- (including interest from after one month of the accident) with a direction to the insurance company to deposit the amount within 60 days from the date of passing of judgment failing which it was to pay interest at the rate of 12% per annum from the date of passing of judgment till realization on account of death of Ishak Khan. The solitary submission of learned counsel for the appellant is that the Commissioner fell in error in awarding interest from the date of accident rather it should have been awarded from the date of adjudication.

2. In Sh.Anish vs. Nasrudin Kureshi and another FAO No. 2509 of 2011 decided on January 16th, 2012, this Court after relying upon judgments of the Hon'ble Supreme Court in (i) Pratap Narain Singh Deo vs. Srinivas Sabata and Another, (1976) 2 SCC 289(ii) Kerala State Electricity Board and Another Vs. Valsala K and Another, and of this Court, (iii) New India Assurance Company Limited Vs. Manphool Singh and Others, held as under:-

(i) The relevant date for determining the rights and liabilities of the parties is the

date of accident.

(ii) The compensation becomes due from the date of accident and not from the date of order of adjudication by the Commissioner, and

(iii) The employer has been given thirty days' cushion and interest shall start running and liable to be paid after thirty days of the accident.

Above being the legal position, the impugned judgment does not suffer any illegality or irregularity. Hence, the appeal is dismissed.