

(2012) 03 P&H CK 0123

High Court Of Punjab And Haryana At Chandigarh

Case No: FAO No. 3493 of 2007

United India Insurance Company
Limited

APPELLANT

Vs

Jasbir Kaur and others

RESPONDENT

Date of Decision: March 29, 2012**Acts Referred:**

- Workmens Compensation Act, 1923 - Section 22

Hon'ble Judges: Nawab Singh, J**Bench:** Single Bench**Advocate:** Inderjit Sharma, for Mr. Pradeep Bedi, for the Appellant; V. Ram Sarup, Advocate, for the Respondent**Final Decision:** Dismissed

Judgement

Nawab Singh, J.

Khajan Singh (since deceased) was a driver on tanker No. GJ-06-U-4515 owned by Dara Singh. On March 29th, 2000 he died in a vehicular accident. Legal heirs of the deceased filed claim application u/s 22 of the Workmen's Compensation Act, 1923 (for short "the Act") pleading that the deceased was earning Rs. 6000/- per month. Vide impugned judgment dated January 19th, 2007, the Commissioner, Amritsar under the Workmen's Compensation Act awarded an amount of Rs. 3,94,120/- to the claimants along with interest at the rate of 12% per annum from the date of accident till passing of the order.

2. Against the judgment of the Commissioner, the insurance company is in appeal before this Court.

3. The solitary submission of learned counsel for the appellant is that the Commissioner fell in error in awarding the interest from the date of accident rather it should have been awarded from the date of adjudication.

4. 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.