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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4564 OF 2009
(Arising out of SLP (c) No. 26004 of 2008)

Jaswinder Singh

..Appellant

VERSUS

M/s The Oriental Insurance
Co. Ltd. And Anr.

..Respondents

ORDER

1. Leave granted.

2. This appeal is directed against an Appellate order dated 28th of July, 2008 passed by the High Court of Punjab and Haryana at Chandigarh in FAO No. 3851 of 2007, whereby the High Court has allowed the appeal of Respondent No. 1 and set aside the order of the Workmen Compensation Commissioner, awarding compensation of Rs. 58,296/- for the injuries suffered and the claim petition filed by the respondent No. 1 under the Workmen Compensation Act (hereinafter referred to as "the Act") was rejected.

3. Feeling aggrieved, the claimant/appellant has come up to this Court by way of a Special Leave Petition, which on grant of leave, was heard in presence of the learned counsel for the parties.

4. During argument, a question was raised whether the High Court, while allowing the appeal of the Oriental Insurance Co. Ltd., which was filed under Section 30 of the Act, had decided the same by raising a substantial question of law.

5. We have now been informed by the learned counsel for the parties that the amount of compensation awarded by the Workmen Compensation Commissioner has already been paid to the appellant. It can also be kept on record that the respondent No.1, The Oriental Insurance Co. Ltd., in spite of due service, has not come forward to contest the claim of the appellant in this appeal. Considering this fact and the amount of compensation having been

paid to the appellant and The Oriental Insurance Co. Ltd. had chosen not to appear before us to contest the appeal, we are not inclined to interfere with the impugned order in the exercise of our discretionary power under Article 136 of the Constitution. The appeal is thus dismissed.

6. However, the question of law, if any, is kept open to be decided in an appropriate case. There shall be no order as to costs.

J.

.....
[TARUN CHATTERJEE]

New Delhi;J.
July 20, 2009. [R. M. LODHA]
ITEM NO.8 COURT NO.5 SECTION XV

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).26004/2008

(From the judgement and order dated 28/07/2008 in FAO No. 3851/2007 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JASWINDER SINGH Petitioner(s)

VERSUS

M/S THE ORIENTAL INSURANCE CO.LTD.& ANR. Respondent(s)

(With prayer for interim relief)

Date: 20/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)
Ms. Kiran Suri,Adv.

For Respondent(s)
Mrs.Amita Gupta,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is dismissed in terms of the signed order.

The question of law, if any, is kept open to be decided in an appropriate case. There shall be no order as to costs.

(Satish K.Yadav) (Phoolan Wati Arora)
Court Master Court Master
(Signed Order is placed on the file)