

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 1028 of 2002

Appellant :- National Insurance Co. Ltd.

Respondent :- Ram Niwas And Others

Counsel for Appellant :- Kuldip Shanker Amist

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
2. The present appeal has been filed by the appellant-insurance company challenging the award dated 15.04.2002 passed by Workmen's Compensation Commissioner, Meerut in W.C.A. No.112 of 2001.
3. Challenging the award, learned counsel for the appellant has contended that the Commissioner has erred in law in not recording any finding on the issue of driving licence. It is submitted that since the liability of the insurance company is governed by the terms and conditions of insurance policy, therefore, it was incumbent upon the Commissioner to decide the issue of breach of policy in deciding the claim petition.
4. Be that as it may, the claim petition has been filed under Workmen Compensation Act, 1923. In a petition under Workmen Compensation Act, the Commissioner while deciding the claim has to consider only two issues whether there was relationship of the employer and employee between the owner of the offending vehicle and deceased/injured person and the injuries which caused the death arose during the course of employment. The Commissioner is not expected to record a finding on the issue of breach of policy in a proceeding under Section 30 of Workmen Compensation Act. In such view of the fact, the contention advanced by learned counsel for the

appellant is rejected.

5. For the reasons given above, the appeal lacks merit and is accordingly ***dismissed***.

Order Date :- 18.10.2023

R.S. Tiwari