

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 589 of 2003

Appellant :- The Oriental Insurance Co. Ltd.

Respondent :- Shiv Murat Yadav And Another

Counsel for Appellant :- Kuldip Shanker Amist

Counsel for Respondent :- U.S. Misra, Som Dutt Pandey

Hon'ble Saral Srivastava, J.

1. Heard Shri Kuldip Shanker Amist, learned counsel for the appellant and Shri Som Dutt Pandey, learned counsel for the respondent.

2. The present appeal has been filed by the appellant- The Oriental Insurance Co. Ltd., challenging the award dtd 06.01.2003 passed by the Workmen's Compensation Commissioner, Azamgarh, in W.C. Case No.39 of 2002 (Shiv Murat Vs. Lautoo Ram and another), Police Station-Tarva, District- Azamgarh.

3. Challenging the award learned counsel for the applicant has contended that admittedly the deceased while repairing the belt of the Thresher attached with the tractor suffered injuries which resulted in the amputation of his right hand and, therefore, it is contended that the injuries alleged to have been suffered by the claimant-respondent had no direct connection with the nature of employment with the claimant-respondent. Considering the fact that claimant-respondent was employed as driver and his job was to drive the tractor. Accordingly, it is submitted that commissioner has erred-in-law in entertaining the claim petition and awarding Rs.2,98,867 lacs as compensation to the respondent.

4. Per contra, learned counsel for the respondent has contended that the Thresher was attached with the tractor and it appears that the claimant-respondent was driving the Tractor and because of the defect in Thresher he has tried to repair the same and accidentally he suffered injuries in repairing the belt of the Thresher which resulted in amputation of his hand.

5. Be that as it may. It is not in dispute that the claimant-respondent was employed as driver on the Tractor and at the relevant time it appears that he was driving the Tractor and there was some defect in the Thresher and, therefore, he was trying to

repair the Thresher and while repairing the Thresher he suffered injuries. Since, it reflects from the record that the claimant-respondent was driving the Tractor and suffered injuries while on duty, therefore, the contention of the learned counsel for the applicant is not sustainable and is rejected.

6. The appeal under Section 30 of Worker's Compensation Act shall lie only on the substantial question of law and the instant case no substantial question of law is involved.

7. Thus, for the reasons given above, the present appeal lacks merit and is ***dismissed***, with no order as to costs.

Order Date :- 19.10.2023

A Gautam