



CGHC010041002023

2026:CGHC:43881

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 211 of 2023

1 - Smt. Dasoda Bai W/o Late Shri Dilip Kumar Aged About 42 Years R/o Village Chhati, Police Station Kurud, District - Dhamtari, Chhattisgarh. (Claimant)

2 - Haldhar Sahu S/o Dilip Kumar Aged About 20 Years R/o Village Chhati, Police Station Kurud, District - Dhamtari, Chhattisgarh. (Claimant)

... Appellants

versus

1 - M/s Masoom Contractor And Supplier Office Sangha Chowk, Bus Stand Kurud, Police Station And Tahsil Kurud, District Dhamtari, Chhattisgarh.

2 - Divisional Manager, United India Insurance Company Limited, Office - Bathena Chowk, Sinha Complex Dhamtari Raipur Road Dhamtari, Tahsil And District Dhamtari, Chhattisgarh.

... Respondent(s)

For Appellants	:	Mr. Kunal Das, Advocate
For Respondent No.1	:	Ms. Sakshi Kukreja, Advocate
For Respondent No. 2	:	Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

09.10.2026

1. The present appeal under Section 30 of the Employees’ Compensation Act, 1923 (hereinafter referred to as “the Act of 1923”), has been preferred by the appellants challenging the judgment dated 04.05.2022 passed by the Commissioner, Employees’ Compensation, Labour Court, Dhamtari, District Dhamtari (C.G.) in Case No. 01/WC Act/2018/Fatal.
2. The facts of the case in brief are that on 26.08.2017 at about 2:30 p.m. deceased Dilip Kumar Sahu sustained injuries when an electric pole fell upon him while he was allegedly engaged in erecting the pole under the employment of

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respondent No. 1. He was shifted to MMI Narayana Hospital, Raipur where he succumbed to his injuries on 28.08.2017 at about 11:55 p.m. In connection with the incident, Merg No. 98/2017 was registered at Police Station, Dhamtari. Respondent No. 1 disputed the employer–employee relationship contending that the deceased was not employed by him at the time of the accident. The Insurance Company also disputed its liability on the ground that the deceased had approached respondent No. 1 for employment for the first time on the date of the incident.

3. Learned counsel for the appellants submits that the learned Commissioner has erred in assessing the monthly wages of the deceased at a rate lower than the applicable minimum wages and consequently in determining the compensation payable to the appellants. He submits that the future prospects of the deceased have not been taken into consideration and that adequate compensation has not been awarded under the appropriate conventional heads. He further submits that the impugned award suffers from improper appreciation of the evidence and material available on record and warrants interference by this Court for enhancement of compensation.

4. Per contra, learned counsel appearing for respondent Nos. 1 and 2 support the impugned award and submit that the appellants have failed to demonstrate any substantial question of law warranting interference under Section 30 of the Act of 1923.

5. I have heard learned counsel for the parties and perused the record.

6. At the outset, it is pertinent to observe that an appeal under Section 30 of the Act of 1923 is maintainable only on the existence of a substantial question of law. The jurisdiction of this Court in such an appeal is, therefore, circumscribed by the statutory mandate and does not extend to a fresh appreciation of the evidence merely because another view may be possible. In the present case, the learned

Commissioner upon consideration of the material available on record, assessed the monthly wages of the deceased at Rs.7,232/- applied the statutory formula and the relevant factor corresponding to the age of the deceased and determined the compensation payable to the appellants. The principal grievance of the appellants relates to the assessment of monthly wages, the computation of compensation and the omission to award additional amounts under certain heads.

7. On consideration of the submissions advanced by learned counsel for the appellants and the findings recorded by the learned Commissioner, this Court finds that the appellants have not demonstrated any substantial question of law arising from the impugned award so as to warrant interference under Section 30 of the Act of 1923. The mere assertion that the compensation ought to have been assessed at a higher rate in the absence of a demonstrable error of law in the determination thereof would not by itself furnish a ground for interference in the present appeal. Moreover, the claim for future prospects and compensation under conventional heads must be examined in accordance with the applicable statutory provisions and the principles governing claims under the Act of 1923, the principles applicable to claims under the Motor Vehicles Act, 1988 cannot be mechanically imported into proceedings under the Act of 1923.

8. In view of the foregoing discussion, this Court finds no substantial question of law warranting interference with the impugned judgment dated 04.05.2022 passed by the learned Commissioner. Consequently, the appeal being devoid of merit and is hereby **dismissed**.

9. No order as to costs.

Sd/-
(Sachin Singh Rajput)
Judge