



CGHC010224732024

2026:CGHC:41615

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1555 of 2024

The New India Assurance Company Limited Through Its Divisional Manager,
Divisional Office - Supela, Bhilai, G.E. Road, Distt. - Durg (C.G.) (Non-Applicant No. 2)

... Appellant

versus

1 - Smt. Dewanteen Bai W/o Late Rajkumar @ Bhuruva Chandel Aged About 42 Years Caste - Satnami, Occupation - Housewife, R/o Vill.- Machanpar, P.S. - Dongargaon, Distt.- Rajnandgaon (C.G.) (Applicant No. 1)

2 - Kumari Uttara D/o Late Rajkumar @ Bhuruva Chandel Aged About 15 Years Minor Through Her Mother - Smt. Dewanteen Bai (Respondent No. 1) R/o Vill.- Machanpar, P.S. - Dongargaon, Distt.- Rajnandgaon (C.G.) (Applicant No. 2)

3 - M/s New Vista Construction Through - Manager, Behind Premier Hospital, Nanal Nagar, House No. 12-12, 710 To 712 Barban Kadir Bag, Hyderabad (Andhra Pradesh) Pin-500001 (Non-Applicant No. 1)

... Respondents

For Appellant : Mr. Dashrath Gupta, Advocate

For Respondent 1 and 2 : None

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

24/09/2026

1. Heard on admission.
2. This appeal under Section 30 of the Employees Compensation Act, 1923 (for short 'the Act of 1923') has been filed by the appellant Insurance Company assailing the legality, correctness and judicial propriety of the award dated 28.03.2024 passed by the Commissioner,

Employees Compensation Act, Labour Court, Rajnandgaon, Chhattisgarh in Case No.28/E.C.Act/2015/Fatal. By the impugned award, the learned Commissioner has partly allowed the application under Section 22 of the Act of 2023 filed by Respondents No.1 and 2 and awarded compensation of Rs.6,77,000/- along with 12% interest from 13.10.2013 i.e. date of accident till the date of the award.

3. Respondents No.1 and 2/ claimants, by filing the said application, sought a compensation of Rs.8,96,000/- on account of death of their son – Bhupendra @ Mukesh who died on 13.09.2013 by falling from the 9th floor of an under constructed building and during the course of employment under Respondent No.3. The report of the incident was lodged to the police station – Langer House, Hyderabad upon which Crime No. 342/2013 was registered. It is further pleaded that the deceased Bhupendra @ Mukesh was aged about 20 years, he was paid Rs.10,000/- per month and the claimants i.e. Respondent No.1 & 2 were dependent upon the income of the deceased.
4. Respondent No.3/employer filed its written statement and pleaded that the deceased was working with it and was earning Rs.8,000/- per month. It was further pleaded that proper arrangements for the safety and security of the deceased had been made available. The incident was reported to the police, and a sum of Rs.40,000/- in cash was paid to Respondent Nos.1 and 2/claimants. It was also pleaded that the labourers engaged by Respondent No.3 were insured with the appellant - Insurance Company under Policy No. 61190036120100000110 valid from 26.09.2012 to 25.09.2013. Thus, the liability to pay the compensation is upon the appellant-insurance company.

5. The appellant-Insurance Company also filed its written statement, denying the averments made in the claim application. It was pleaded that the burden to prove the averments made in the claim application was upon the claimants. It was further pleaded that the incident had not been reported to the appellant-Insurance Company and that, in the absence of verification, the policy allegedly issued in favour of Respondent No.3/employer was denied. Accordingly, it was prayed that the claim application be dismissed.
6. The learned Commissioner, on the basis of the aforesaid pleadings, framed the issues and, vide its impugned award dated 28.03.2024, awarded compensation of Rs.6,77,000/- along with interest at the rate of 12% per annum from 13.10.2013, i.e., the date of the accident, till the date of the award.
7. Mr. Gupta, learned counsel for the Insurance Company, submits that although the deceased was insured with the Insurance Company, the maximum ceiling of monthly wages is of Rs.5,000/-. However, the learned Commissioner assessed the monthly wages of the deceased at Rs.6,000/- and awarded the aforesaid compensation accordingly. He further submits that even if any liability is fastened upon the Insurance Company, the same would be limited by taking the monthly wages of the deceased at Rs.5,000/-. Apart from this, he also submits that fastening the liability to pay interest upon the Insurance Company is wholly unjustified. Thus, the appeal may be admitted by framing substantial question of law.
8. None appeared on behalf of the Respondents.
9. The factum of employment of the deceased with Respondent No.3 is the admitted one in the light of the written statement filed by Respondent

No.3 before the learned Commissioner. The death of the deceased during the course of and arising out of the employment is also duly proved from the materials available on record. Even otherwise no challenge to these findings have been made.

10. The contention has been raised that the liability to pay compensation is limited, as the monthly income of the deceased has been taken to be only Rs.5,000/-. It is a settled principle of law that where the Insurance Company raises a plea with regard to the terms and conditions of the insurance policy, the same is required to be proved by leading cogent and prudent evidence. However, from the record, it does not appear that any evidence has been led by the Insurance Company to substantiate the said plea. Thus, this Court does not find any merit in the submission made by learned counsel for the appellant.

11. Further, as per the written submissions, it has been contended that the liability to pay interest ought not to have been fastened upon the Insurance Company. This submission so made is also liable to be rejected in the light of law laid down by the Hon'ble Supreme Court in case of ***Ved Prakash Garg Vs. Premi Devi and others*** reported in ***(1997) 8 SCC 1*** and the subsequent decisions following the said principle. In the light of the above, on these two counts, this Court does not find any substantial question of law involve nor merits in this case. The appeal fails and is hereby dismissed at the admission stage itself.

Sd/-

(Sachin Singh Rajput)
Judge