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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC012538242017

+ **FAO 281/2017, CM APPL. 23134/2017**

NATIONAL INS CO LTD Appellant

Through: Ms. Shalu Sisodia, Advocate.

versus

RADHA RANI GUPTA & ORS Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **20.08.2026**

1. By way of the present appeal filed under Section 30 of the Employees' Compensation Act, 1923 (hereinafter referred to as the "Act"), the appellant seeks to assail the order and judgment dated 17.03.2017 passed by the learned Commissioner, *Nimri Colony, Ashok Vihar, Delhi*.
2. As per the office report, the default notice issued could not be served upon the counsel for respondent nos. 1 to 4 since his contact details were not on record. The default notice issued to the respondent nos. 1 to 4 is also stated to be unserved with the report that they have left the premises.
3. With the assistance of learned counsel for the appellant, this Court has gone through the records of the case and proceeded with the hearing.
4. A perusal of the record would reveal that the claim application came to be filed by the widow of one *Vijender Gupta @ Vijay Kumar* (hereinafter referred to as the "deceased") along with the other legal heirs with the averments that the deceased was working as a driver with respondent No.5/*Kallu Singh* (respondent no.1 before the learned Commissioner) since 28.05.2015 on a monthly salary of Rs.8,000/-. On 08.06.2015, on the



directions of the employer, he had visited Uttarakhand on vehicle bearing registration number DL-IV-C-1968, where he met with an accident, as a result of which he suffered severe head injuries. He was admitted in *Doon Hospital, Dehradun, Uttarakhand* and was finally taken to *Lok Nayak Hospital* where he was declared dead on 16.06.2015. It was stated that the deceased was aged 36 years at the time of the incident and that the accident had occurred during the course of employment.

5. On being summoned, the employer filed his reply. The employer admitted that the deceased had worked with him as a driver from 28.05.2015 to 08.06.2015 and, in his evidence, also stated that the deceased was driving the vehicle in question on 08.06.2015. He further stated that the deceased had died in an accident which had occurred at *Dehradun*. Thus, the factum of the deceased being engaged as a driver and being on duty on the date of the incident stands borne out from the material on record.

6. The insurance company contested the claim, while admitting the insurance cover for the incident in question. It was stated that the policy was valid from 08.09.2014 to 07.09.2015.

7. In the present appeal, learned counsel appearing for the appellant has made two-fold submissions. Firstly, that there was no document produced to establish the employer-employee relationship and, secondly, that the death had occurred not on account of any accident, but because of a pre-existing disease, the disease being diabetes. The impugned award records that the prescription slip dated 08.06.2015 of *Rajkiya Doon Chikitshalaya, Dehradun*, had been placed on record, as per which the deceased was advised CT scan and X-ray of the head. Further, the documents from LNJP Hospital also show acute infarct in the left cerebral region, which was considered by the learned



Commissioner in the context of the head injuries suffered by the deceased. The aforesaid documents rather point out to the injuries suffered in an accident and do not establish that the death was on account of the pre-existing disease as alleged by the appellant. The learned Commissioner also took into consideration the evidence of the employer, who stated that the deceased was engaged by him as a driver and was driving the said vehicle on 08.06.2015 and that he died in an accident at *Dehradun*.

8. Before proceeding further, this Court takes note of the limited scope of interference under Section 30 of the Act. It is well settled that an appeal under Section 30 lies only on a substantial question of law and that the findings of fact recorded by the learned Commissioner are not to be interfered with unless the same are shown to be perverse or based on no evidence. In this regard, reference may be made to the decisions of the Supreme Court in “North East Karnataka Road Transport Corporation v. Sujatha”¹ and “Golla Rajanna & Ors. v. Divisional Manager & Anr.”²

9. As regards the employer-employee relationship, the finding of the learned Commissioner was not based merely on the averments made in the claim application. The employer himself admitted that the deceased had worked with him as a driver and, in his evidence, stated that the deceased was driving the vehicle in question on 08.06.2015. Thus, the finding regarding the employer-employee relationship is supported by the evidence led before the learned Commissioner. The appellant has not been able to demonstrate that the said finding is perverse, based on no evidence or suffers from any manifest error warranting interference in an appeal under Section 30 of the

¹ (2019) 11 SCC 514

² (2017) 1 SCC 45



Act.

10. In view of the aforesaid discussion, the findings returned by the learned Commissioner are essentially findings of fact based on appreciation of the pleadings, medical documents and evidence led before him.

11. Accordingly, this Court finds no ground to entertain the present appeal and the same is dismissed along with the pending application.

12. The awarded amount deposited by the appellant with the learned Commissioner be released to respondent nos. 1 to 4. Since none is present on behalf of the respondents, the Registry is directed to communicate a copy of this order to the counsel who represented respondent nos. 1 to 4 before the learned Commissioner.

MANOJ KUMAR OHRI, J

AUGUST 20, 2026/rd