

THE HIGH COURT OF TRIPURA
A G A R T A L A

MFA(WC) No. 22 of 2009

Appellant :

The New India Assurance Company Ltd.
Represented by its Branch Manager, Agartala
Branch, Mantri bari Road, Agartala, P.S-West
Agartala, District-West Tripura.

By Advocate :

Mr. A. Lodh, Adv.

Claimant-Respondents :

1. Smt. Kanan Debnath,
W/o. Late Bipul Debnath.

2. Sri Sukanta Debnath,
S/o. Late Bipul Debnath.

3. Sri Pritam Debnath,
S/o. Late Bipul Debnath.

And

4. Kumari Chandana Debnath,
D/o. Late Bipul Debnath.

The respondent Nos. 2,3 and 4, being
minors, are represented by their natural
guardian mother respondent No.1.

5. Smt. Renuka Debnath,
W/o. Sri Anil Debnath,
All are residents of village- Thaibeng, P.S.
Sabroom, South Tripura.

Respondents :

6. Shri Pradip Datta,
S/o. Satya Ranjan Datta,
Resident of village – Harina, P.S- Sabroom,
South Tripura, (Owner of TRL 6007 Truck)

7. Sri Nemai Dey,
S/o. Badal Dey,
Resident of village – Harina, P.S. Sabroom,
South Tripura, (Driver of vehicle No. TRL-
6007, Truck)

By Advocates :

Mr. S. Lodh, Adv.
Ms. P. Ghatak, Adv.

B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **5th March, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal by the insurance company is directed against the award dated 27th May, 2009 passed by the learned Commissioner, Workmen's Compensation, South Tripura, Udaipur in case No. T.S. (W.C) 10 of 2008, whereby the Commissioner awarded compensation of Rs.3,02,490/- in favour of the claimants who were widow, minor children and the mother of the deceased.

[2] The main ground raised by Sri A. Lodh, learned counsel for the appellant-insurance company in this appeal is that the owner of the truck in the written statement filed by him had denied that the deceased was his workman. He therefore, submits that a duty was cast upon the Commissioner, Workman's Compensation to call the owner to find out whether the deceased was actually an employee of the owner of the truck or not?

[3] I am not at all in agreement with the submission of Sri A. Lodh. A party files a claim petition and the other side files written statement to the same. Thereafter the parties are to prove their case by leading evidence. In the present case, the claimant examined Smt. Kanan Debnath as PW-1. She is the widow of the deceased and has clearly stated that her husband was employed by the owner of truck No. TRL-6007 as a labourer on the said truck. In the cross-examination conducted by the insurance company and by the owner(owner/employer) no suggestion has been put to the claimant that her husband (deceased) was not an employee of owner. In fact the suggestion put is that the monthly income of Rs.5,000/- claimed is excessive.

[4] Therefore, I find that no question of law much less a substantial question of law arises in this appeal. There is no merit in the appeal which is accordingly dismissed.

No order as to costs.

Send down the LCRs forthwith.

CHIEF JUSTICE