

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.2459 of 2004

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JUDGMENT :

This appeal is preferred challenging order dated 17.07.2001 in W.C.No.84 of 2000 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II, Hyderabad.

2. Respondent Nos.1 to 6 herein submitted claim petition before Commissioner for Workmen's Compensation claiming a sum of Rs.2,50,000/- for the death of Shaik Babu, who was working as driver on the vehicle bearing No.AP 12 A 2790 belonging to 1st respondent. They contended that on 06.09.2000 the deceased-Shaik Babu while coming towards Hyderabad met with an accident near Muratpally Village and lost his life and the claimants being wife, children and father are entitled for compensation of Rs.2,50,000/-. The lower Authority on a consideration of oral and documentary evidence, granted Rs.1,93,424/- as compensation. Aggrieved by the award dated 17.07.2001, Insurance Company preferred the present appeal.

3. Heard arguments.

4. The main contention of appellant is that the vehicle was used for hire purpose in violation of terms and conditions of the policy and when such a specific plea was taken, lower Authority without any valid reasons discarded the said plea and granted compensation. Learned counsel for appellant submitted that lower Authority erroneously held that Insurance Company is liable to pay compensation and that part of the award has to be modified and atleast a direction to pay and recover be ordered.

5. On the other hand, advocate for respondents/claimants submitted that lower Authority has rightly granted compensation and the objection taken by appellant herein is rightly negated.

6. Now the point that would arise for my consideration in this appeal is:

Whether there are any grounds to interfere with the order dated 17.07.2001 in W.C.No.84 of 2000 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II, Hyderabad?

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POINT :

7. As seen from the material, appeal against the owner is already dismissed on 07.11.2003 and appellant has not taken any steps to restore the same. When the appeal is dismissed against owner, the appellant herein being insurer is liable to honour the order passed against the owner. As seen from the material, lower Authority has discussed and considered the objection raised by appellant herein and rightly negated holding that the claim is under the Workmen Compensation Act when the claimants have established the relationship of employee and employer between deceased Shaik Babu and 7th respondent herein, Insurance Company cannot be absorbed. On a scrutiny of the material, I am of the considered view that lower Authority has not committed any error in awarding compensation and that there are no grounds to interfere with the award.

8. For these reasons, the appeal is dismissed as devoid of merits. No costs.

9. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

29th January 2016

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