

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 2185 of 2016
Date of decision : May 2, 2016

Arun Kadiyan and another

..... Petitioner

Versus

**Commissioner under the Employee's /Workmen's compensation
Act and another**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Deepak Sharma, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The petitioner is aggrieved of the impugned order whereby application moved before the Commissioner in execution proceedings for adjustment of ₹3 lacs alleged to have been paid by father of the petitioner has been declined.

Learned counsel for the petitioner submits that while in service Gurdial Singh met with an accident and expenses of ₹3 lacs were borne by the father of the petitioners. Unfortunately, father of the petitioners died and thereafter respondents filed a claim petition claiming compensation under the aforementioned Act by giving wrong address.

He further submits that an agreement was also entered into between the parties which has been admitted but he

denied the signatures infact denied the writing on the alleged compromise. The application for setting aside the ex-parte order was moved which was dismissed and was assailed in this Court vide CR No. 7919 of 2011 and this Court while dismissing the aforementioned civil revision vide order dated 4.1.2012 granted liberty to take up the plea of alleged payment at opportune time and this fact has not been noticed by the Commissioner, therefore the present revision petition has been filed.

I have heard learned counsel for the petitioner, appraised the paper book.

It would be apt to reproduce operative part of the order dated 4.1.2012:-

“The said plea can always be taken up by the petitioners regarding the satisfaction of the Award at opportune time when execution is sought but no ground is made out, at this stage, to enter into the controversy whether the award has been satisfied on payment of compensation by the father of the petitioner. Leaving the said point open, this petition is dismissed.”

The Commissioner entertained the said request but found that petitioner has failed to prove the payment of medical expenses or place on record the bills to show the alleged payment. The compromise has not been proved as the respondent has specifically denied its contents, though admitted the signatures. In view of such fact, the Commissioner did not entertain the application. I am of the view that in the absence of any prima facie

evidence or attached along with the application, the workman should not be denied relief though to the contrary of same, petitioner can seek adjustment of the alleged payment but such is not the position as noticed above.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits.
Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

May 2, 2016
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