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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-340-1993

Date of Decision:10.08.2016

ORIENTAL INSURANCE COMPANY

...Appellant

VERSUS

MANJU DEVI AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sanjiv Pabbi, Advocate
for the appellant.

Mr. Ankit Grewal, Advocate
for respondents No.1 & 3.

DARSHAN SINGH J. (ORAL)

As per office report, respondent No.4 could not be served as the appellant could not supplied the correct address in spite of the last opportunity.

Even otherwise, there is no merit in the appeal. Respondents No.1 to 3 were awarded the compensation by the Commissioner under the Workmen's Compensation Act, Gurgaon Circle on account of the death of Shri Ajay Pandey in the accident which took place on 29.11.1990 while he was driving the car No.DED 7958 owned by respondent No.4-company. The stand of the appellant-Insurance Company was that there was no relationship of employee and employer between the deceased and respondent No.4 but on appreciation of evidence brought on record, the

learned Commissioner has come to the conclusion that when the accident has taken place, deceased Ajay Pandey was driving the car. It was also clear from the First Information Report recorded with the Police that deceased was driving the car of respondent No.4 along with other staff of the company. He was holding a valid driving licence and he used to be paid Rs.10,000/- /Rs.12,000/- per annum. In those circumstances, the learned Commissioner held that the stand of the respondents with respect to non existence of relationship of master and servant at the time of accident was not proved. This Court also has no reason to differ with the aforesaid findings recorded by the learned Commissioner.

So, the present appeal has on merits and the same is hereby dismissed.

(DARSHAN SINGH)
JUDGE

August 10, 2016
rajneesh

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO