

**C.M. NOS.3734-35 CII OF 2016 &
F.A.O. NO.1210 OF 2016**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M. NOS.3734-35 CII OF 2016 &
F.A.O. NO.1210 OF 2016
DATE OF DECISION: JULY 21, 2016**

The New India Assurance Company Limited, Karnal

.....Appellant

VERSUS

Rohtas Singh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Sukhdarshan Singh, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.3734 CII of 2016

Prayer in this application is for condonation of delay of 16 days
in filing the appeal.

For the reasons mentioned in the application, which are duly
supported by an affidavit of the Manager, New India Assurance Company
Limited, Chandigarh, the same is allowed and delay of 16 days in filing the
appeal stands condoned.

C.M. No.3735 CII of 2016 & F.A.O. No.1210 of 2016

Challenge in this appeal is to the order dated 29.10.2015 passed
by the Commissioner, Employee's Compensation Act, Circle Karnal,
whereby the claim of respondent-Rohtas Singh, who is an injured driver of

Truck No.PR-12B-5396, which met with an accident, resulting in injuries to the claimant-respondents, was accepted and an amount of ₹2,20,955/- was awarded as compensation and interest payable within 30 days. It was further ordered that in case the amount is not deposited within the stipulated period, the appellant herein will pay simple interest @ 12% per annum on the amount of compensation from the date of order till realization.

It is the contention of learned counsel for the appellant that the appellant is not liable to pay the compensation amount as the relationship of employer and employee has not been established. He, thus, contends that the impugned order deserves to be set-aside.

I have considered the submission made by learned counsel for the appellant and with his assistance have gone through the impugned order but do not find the assertion of counsel for the appellant to be correct as there is ample evidence on record, which clearly establishes the relationship of employer and employee. The findings recorded by the Court below are in consonance with the pleadings and the evidence brought on record, which do not call for any interference.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.3735 CII of 2016 for staying the operation of the impugned order is also dismissed.

**July 21, 2016
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**(AUGUSTINE GEORGE MASIH)
JUDGE**