

\$~23

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8399/2016**
SHAMIM KHAN Petitioner
Through: Mr. G.S. Singh, Advocate.

Versus

MUQTASID AHAMAD AND ANR Respondents
Through: Mr. Anuj Aggarwal & Mr. Shubhanshu
Gupta, Advocates for R-2/GNCTD.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **23.09.2016**

C.M. No.34736-34737/2016 (for exemption)

Allowed, subject to all just exceptions.

W.P.(C) No.8399/2016

It is the petitioner's case that notice under Section 10 of the Workmen Compensation Act was never issued to the management hence the entire case is vitiated for want of notice. However, the petitioner came to know about the compensation claim filed by the respondent in W.P. (C) No.5812/2011. Subsequently he participated in the compensation proceedings. Having so participated in the proceedings issuance of notice would not be necessary as its purpose stood already served. The court notices that the petitioner has not been prejudiced in any manner. Hence no further notice would be required under Section 10 of the Act. The petitioner had filed his reply. Therefore, the contention that notice would still be required to

be issued to the management is untenable and is accordingly rejected.

The learned counsel for the petitioner submits that there is nothing on the record to establish the relationship of an employee and the employer between the claimant and the management. However, the impugned order has discussed that the management was running a unit for *zari* and embroidery work where highly inflammable material was kept which suddenly caught fire in which some workmen succumbed to burn injuries and the other claimants who survived have suffered extensive burns, hence they have sought compensation. It is not in dispute that the said persons suffered burn injuries at the embroidery/dry cleaning unit of the petitioner. The petitioner has brought nothing on record to show that the said persons were trespassers in the premises when they got injured in the fire.

The learned counsel for the petitioner contends that all the records of the *zari*/embroidery/dry cleaning enterprise run by him at the Govind Puri perished in the fire. Besides he has no assets through which he could meet the amount awarded in the impugned order.

Neither of the aforesaid are good grounds for the court to interfere with the impugned order. The petition is without merit and is accordingly dismissed.

NAJMI WAZIRI, J.

SEPTEMBER 23, 2016
‘AA’