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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 23rd December, 2016

+ **F.A.O. 240/2012**

ORIENTAL INSURANCE CO. LTD.

..... Appellants

Through: Mr. Pradeep Gaur, Advocate

Versus

SOMAN SINGH & ORS.

..... Respondents

Through: Ms. Pratima N. Chauhan,
Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T

1. The appellant has challenged the order of the Commissioner, Employee's Compensation whereby compensation of Rs.3,68,340/- has been awarded to respondents No.1 to 6.

2. Respondents No.1 to 6 are the parents, widow and three minor children of Iqbal Singh and they filed an application for compensation before Commissioner, Employee's Compensation arising out of the death of Iqbal Singh. It was pleaded in the application that Iqbal Singh was working as a driver under respondent No.7 on truck No.HR-38F-6765 and had gone to Agra. On 10th May, 2002, the vehicle bearing No. HR-38F-6765 (Truck) was being adjusted for being loaded by the second driver and while doing so, the truck went out of control and the deceased, Shri Iqbal Singh who was by the side while looking its placement, was hit by the truck which resulted in his death. The offending vehicle was validly insured with the appellant at the time of accident.

3. The appellant has challenged the impugned order on the ground

that the owner of the offending vehicle denied the accident. It was further submitted that no MLC or FIR was lodged and no post mortem was conducted and, therefore, the appellant was not liable to pay any compensation.

4. Respondent No.1 appeared in the witness box to prove the claim. Respondent No.1 also examined the eye witness, Richhpal Singh before the Commissioner, Employee's Compensation. None of the two witnesses were cross-examined by the owner or the appellant. No evidence was led by the owner of the offending vehicle or the appellant to rebut the evidence led by the respondents No.1 to 6.

5. Learned counsel for the respondents submitted that the owner admitted the accident in the written statement before the Commissioner, Employee's Compensation.

6. On careful consideration of the submissions made by the appellant, this Court is of the view that no substantial question of law arises for consideration in this appeal. That apart, there is no infirmity in the findings of facts by the Commissioner, Employee's Compensation.

7. There is no merit in the appeal, which is hereby dismissed.

8. The appellant has deposited the compensation with the Claims Tribunal, which has already been disbursed to respondents No.1 to 6.

DECEMBER 23, 2016
rsk

J.R. MIDHA, J.