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

+ **FAO 372/2016**

MOTI LAL

..... Appellant

Through: Mr. Mukesh Singh and Ms. Lucky
Tiwari, Advocates

versus

RITA & ORS

.....Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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09.08.2016

C.M.No.28907/2016 (Exemption)

Allowed subject to all just exceptions.

FAO 372/2016 & C.M.No.28906/2016

Impugned order of 31st May, 2016 awards compensation of Rs. 8 lacs odd with interest as a labourer-*Lal Ji* aged 24 years had died while he was loading the truck at Goela Dairy, Najafgarh on 16th June, 2013. Learned Commissioner in the impugned order has relied upon the version of *Bansi Lal* and *Sh. Ram Samuj*, who have stated that the deceased-labourer was working under the appellant.

In this appeal, learned counsel for appellant contends that there was no relationship of employer-employee with the deceased and appellant is not the owner of any JCB machine or vehicle and infact, appellant is also a labourer and is not required to deposit the awarded amount and, so

setting aside of the impugned order is sought by learned counsel for appellant.

Upon hearing and on perusal of the impugned order and the material on record, this Court finds that in the reply to the claim petition, appellant had not taken the stand of appellant being a labourer. Mere oral denial of employer-employee relationship is unacceptable on the face of it, in view of the statement of *Bansi Lal* and *Sh. Ram Samuj*, who have stated that the deceased-labourer was working under the appellant.

Appellant in this appeal has simply stated that *Bansi Lal* and *Sh. Ram Samuj* are strangers to him. It is beyond comprehension as to why a stranger would falsely implicate the appellant.

In view of the statement of *Bansi Lal* and *Sh. Ram Samuj*, learned Local Commissioner has rightly concluded that the deceased was an employee under the appellant-employer and the deceased had unfortunately lost his life while working as a labourer under the appellant.

Considering the age and the minimum wages, the compensation has been reasonably assessed by the learned Commissioner under *the Employee's Compensation Act, 1923*. Thus, finding no fault in the impugned order, this appeal and the application are dismissed being devoid of merits.

(SUNIL GAUR)
JUDGE

AUGUST 09, 2016

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