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

+ **FAO 540/2011**

SURYA ENTERPRISES Appellant

Through: Mr. O.P. Pahuja, Adv.

versus

SANJU DEVI Respondent

Through: Mr. D.K. Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **09.09.2016**

1. The respondent is the widow of Late Rajesh Kumar Singh who was murdered in the night of 13th/14th October, 2008. The respondent filed an application before the Commissioner, Employees' Compensation alleging that her husband was employed as a Chowkidar by the appellant and he was murdered by the miscreants who entered the appellant's property to commit dacoity. The appellant contested the claim petition on the ground that the deceased was employed as helper and he was sleeping in his room on the second floor of the building in which the appellant was running his establishment on the ground and first floors.
2. The Commissioner, Employees' Compensation held that the deceased Rajesh Kumar Singh died due to the injuries sustained by him in the course of his employment with the respondent.
3. Learned counsel for the appellant had urged at the time of the hearing that the deceased was not a Chowkidar and he was not on duty at the time of murder and, therefore, the accident did not occur during the course of his employment.

4. On careful consideration of the submissions made by learned counsel for the appellant, this Court is of the view that no substantial law arises in this appeal. That apart, this Court finds no infirmity in the findings of the fact of the Commissioner, Employees' Compensation. This appeal is, therefore, dismissed.

J.R. MIDHA, J.

SEPTEMBER 09, 2016
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