

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.292 of 2006

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United India Insurance Company Limited through its Divisional Manager (Gaya Divisional Office), Swastik A. N. Road, Murarur, Police Station –Kotwali, District-Gaya (Insurer of Jeep No.BR-2C-2932).

.... Appellant/s

Versus

1. Pradosh Prasad, son of late Hem Narayan Prasad.
2. Manju Devi, wife of Pradosh Prasad
Both are residents of village-Long Parsawan, Police Station-Cheri, Bodh Gaya, District-Gaya.

.... Respondent/s

3. Siddhnath Singh, son of late Hira Singh, resident of Village-Jaitia, Police Station-Cheri, District-Gaya (owner of Temp no. BR-2C-2932).

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Appearance :

For the Appellant/s : Ms. Seema, Advocate
Mr. Prakash Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-07-2017

This is an application filed under Section 30 of the Workmen's Compensation Act, 1923 by the Insurance Company challenging an award passed by the learned Commissioner for Workmen's Compensation in W.C. Case No.6 of 2003 whereby the respondents- claimant, the legal heirs of late Pinku Kumar who was employed as a driver in an Auto-rikshaw bearing No. BR-2C-2932 has been awarded compensation on account of his death arising out of and during the course of employment.

Even though, this appeal has been filed by the Insurance Company in the year 2006 but it has not been admitted and no question of law has been framed.



Having heard learned counsel for the appellants, the only ground canvassed was that Pinku Kumar was murdered and, therefore, the case does not fall in the category of death arising out of and during the course of employment as envisaged under Section 4 of the Workmen’s Compensation Act, 1923. However, on going through the detailed award passed by the learned Commissioner for Workmen’s Compensation, it is seen that Pinku Kumar was a driver in the Auto-rickshaw in question owned by Sri Siddhnath Singh. It was covered by a policy of insurance during the period when the accident took place on 04.10.2002. The persons, who murdered the driver, boarded the vehicle as genuine passengers and a finding has been recorded by the learned Commissioner for Workmen’s compensation to say that the accident arose during and in course of employment. The finding is based on due appreciation of the evidence and the material that came on record. It is a finding of fact and therefore, no question of law for consideration in a proceeding under Section 30 of the Workmen’s Compensation Act, 1923 arises. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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