

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1278 of 2008**

National Insurance Co. Ltd. Branch Rajnandgaon, Chhattisgarh,
Through: its Acting Divisional Manager, Bilaspur Branch, Taha
Complex, Vyapar Vihar Road, Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. Nemin Bai Kumhar, aged 35 years, W/o. Late Harishchandra Kumhar, R/o. Village Reena, Post Kanchul, P.S. and Tahsil Gunderdehi, District Durg, Chhattisgarh
2. Smt. Hemin Bai Choudhary, Aged 52 years, W/o. Nohar Singh @ Mohansingh Choudhary, R/o. Village Bhatia, Post Arjunda, Tahsil Gunderdehi, District Durg, Chhattisgarh

----Respondents

For Appellant : Mr. Raj Awasthi, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/10/2017**

1. The present is an appeal by the Insurance Company under Section 30 of Workmen's Compensation Act. Challenge in the appeal is to the award dated 08.08.2007, passed by the Commissioner for Workmen's Compensation, Labour Court, Durg, Chhattisgarh, in Case No. 147/Kete B-1/W.C. Act/2004 (Non Fatal)
2. Vide the said impugned award, the Commissioner directing the Insurance Company to pay compensation of Rs.1,84,448/-. It was further ordered that in the event if the compensation is not paid within one month, the said amount shall also carry interest @10% per annum.
3. The solitary ground of challenge is the fact that the learned Commissioner has not properly appreciated that the deceased in the instant case was travelling as a gratuitous passenger and that she was not under the employment of respondent No.2 Hemin Bai.

4. Perusal of the record would show that the Insurance Company has not led any evidence to substantiate this contentions and in the absence of any evidence to establish the fact that the deceased was travelling as a gratuitous passenger and also to establish that there was no employer- employee relationship, this Court is of the opinion that the finding of the Commissioner for Workmen's Compensation cannot be found faulted with.
5. Section 30 of the Employees Compensation Act requires substantial question of law for interfering with the award passed by the Commissioner. In the instant case, the findings arrived at by the Commissioner being finding of fact, this Court does not find any substantial question of law made out while challenging the impugned award.
6. The appeal of the Insurance Company thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge