

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1061 of 2017

The New India Assurance Company Ltd. Through Branch Manager,
The New India Assurance Co.Ltd. Sada Complex, T.P.Nagar Korba
Thana Tehsil And District Korba, Chhattisgarh

---- Appellant

Versus

1. Smt. Laxmi Bai Chauhan W/o Late Kanhaiya Lal Chauhan, Aged About 55 Years R/o Sitamani District Korba, Chhattisgarh
2. Shubham Chauhan S/o Late Kanhaiya Lal Chauhan, Aged About 14 Years Minor Through Natural Guardian Mother Smt. Laxmi Bai, R/o Sitamani, District Korba, Chhattisgarh
3. Mant Ram Norke S/o Shri Meghnath Norke, R/o House Number 19011, Kanji House, Sitamani, Korba, District Korba, Chhattisgarh

---- Respondents

For Appellant	:	Mr. Sudhir Agrawal, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/08/2017

1. Present is an appeal under Section 30 of the Employees Compensation Act challenging the award dated 26.05.2017 passed by the Commissioner, for Employees Compensation, Labour Court, Korba (C.G.) in Claim Case No. 06/E.C. Act/2015/Fetal.
2. The solitary ground raised by the Insurance Company to challenge the impugned award is the fact that there was a breach of policy condition. The contention of the Insurance Company is that vehicle involved in the accident was Pick-up Van. It is a transport vehicle and the license which the driver of the offending vehicle having with him was only of a Light Motor Vehicle and the same does not have endorsement of permission to drive a transport vehicle.
3. The contention of the counsel for the appellant may not be of much relevance now in the light of recent larger bench decision of the Supreme Court in Civil Appeal No. 5826/2011 decided on 03.07.2017 in the case of "Mukul Dewangan vs. Oriental Insurance Company Limited".

4. So far as the other grounds which have been raised by the appellant in respect of employment, there is no evidence to disprove the employer-employee relationship between the parties. In addition this being a finding of fact, it may not be questionable in appeal under Section 30, which can only be entertained in the event of there being substantial question of law.
5. Thus appeal of the Insurance Company thus having no merits, deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

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