

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.5112 of 2006

Date of Decision:-17.7.2017

National Insurance Co. Ltd

.....Appellant.

Versus

Baljeet Singh and Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Sh. Manmohan, Advocate for
Mr. Suman Jain, Advocate for the appellant.

JASWANT SINGH, J.(ORAL)

Appellant-National Insurance Company is in first appeal, assailing the order dated 11.7.2006 passed by the Commissioner, Workmen's Compensation Act, Circle Jhajjar at Bahadurgarh whereby the claim of the injured-workman i.e Baljit Singh has been accepted and a compensation for a sum of Rs.40,537/- was awarded to be paid within 30 days by the appellant-National Insurance Company, failing which, an interest at the rate of 12% per annum was to accrue.

Learned counsel for the appellant submits that the injured-workman did not either produce his appointment letter or the record from the ESI to show that he was working in the employment of the employer-M/s Green Valley Plywood Pvt Ltd/respondent No.2 on the day of the accident i.e 30.3.1998, therefore the findings are liable to be reversed.

After hearing learned counsel for the petitioner, this Court finds that no case for interference is made out.

The workman-claimant claims to be employed as a Fitter with the employer M/s Green Valley Plywood Pvt Ltd. It is not disputed that the employer had a valid workmen Insurance Policy under the Workmen Compensation Act. It has come on record that on the day of the accident, the Chowkidar and the Guard of the employer had taken the injured-workman to the Doctor, which led to the index left hand finger of respondent No.1 being amputated in the machine. The medical record was produced in the Court and duly proved. Dr. Anoop Kumar has appeared as AW3 and supported the case of the applicant-Baljeet Singh. He has supported the versions of the claimant, who appeared as AW2. On the prescription slip (Ex.AW3/1) duly proved by AW3-Anoop Kumar, it has been recorded as "Baljeet Singh C/o Green Valley. The document issued by Prem Guard wherein the fact of the accident of respondent No.1-Baljeet Singh in the factory finds mention, was not rebutted either by the employer or the appellant. Learned Authority below based on the preponderance of probabilities has arrived at a finding, which appears to be correct, based on the evidence produced.

Regard being had to the aforesaid facts, present appeal is devoid of any merit.

Dismissed.

**(JASWANT SINGH)
JUDGE**

July 17, 2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

