

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

**FAO 4822/2015(O&M)
Date of decision:24.08.2017**

Jitender

.....Appellant

v.

Deep Chand and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.SP Chahar,Advocate for the appellant.

Jaswant Singh,J,(Oral).

CM 14886-CII/2015 is allowed and delay of 156 days in refiling the present appeal is condoned.

Main case.

Applicant is in appeal against the order dated 31.7.2014 passed by Commissioner under Employees' Compensation Act,1923 whereby his claim application for grant of compensation on account of having suffered injury during the course of his employment, leading to amputation of his left hand has been dismissed.

The claim set up by the applicant/appellant was that he received injury during the course of his employment while working on a tractor, owned by respondents 1 and 2. After their failure to pay the compensation the claim application was filed. Respondents 1 and 2 accepted that claimant was in their employment and the factum of accident. It was further their case that the compensation was liable to be paid by Insurance Company-respondent no.3.

On the other hand, case of respondent no.3, Insurance

Company, was that the applicant was a member of joint family which included respondents 1 and 2. The factum of employment of applicant with respondents 1 and 2 was denied.

The learned Commissioner on the basis of evidence led by the parties, including ration card Ex.P-1 has held that it was established that there was no relationship of applicant and although the applicant become disabled due to an accident but that was not during the course of his employment with respondents 1 and 2 and therefore, the claim application was not maintainable. It was found that claimant was unmarried son of Balraj, legal representative of respondent no.2 and he was working as member of a joint Hindu family and resided with his family and using one ration card and not resided separately.

At the time of hearing, learned counsel for the applicant/appellant has not been able to point out any illegality or irregularity in the impugned order warranting interference in the present appeal.

Dismissed.

24.08.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No