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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 192/2016 and C.M. Appl. No. 15841/2016 (for stay)

SBI GENERAL INSURANCE CO LTD

..... Appellant

Through: Mr. Amit Kumar, Advocate.

versus

JASPAL KAUR & ANR

..... Respondents

Through: Ms. Pratima N. Chauhan, Advocate
for R-1.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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27.04.2017

1. After arguments, while this appeal is disposed of as not pressed, it is however, observed as per the request made on behalf of the appellant that the procedure adopted by the Commissioner will not be treated as a precedent for all cases, inasmuch as, it depends upon the facts of each case as to whether at the stage of issues itself the claim petition should be disposed of because the facts are admitted. Ordinarily, the Commissioner will follow the necessary procedure as provided under the Employee's Compensation Act Rules including Rules 25, 27 and 28, and it is noted that the impugned judgment has been passed in the present case in the peculiar facts of this case where

there would be no dispute with respect to existence of relationship of employer and employee, filing of the FIR showing the death by the accident and other aspects.

2. Accordingly, this appeal is disposed of as not pressed by observing that the order passed by the Commissioner will not be treated as a precedent in other cases as to the disposal of the claim petition at the stage of pleadings and issues and each case will have to be examined by the Commissioner as to whether or not admissions exist for not conducting trial in a case.

3. The appeal is accordingly disposed of in the aforesaid terms.

VALMIKI J. MEHTA, J

APRIL 27, 2017

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