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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 16th February, 2017

+ **FAO 306/2016**

THE NEW INDIA ASSURANCE CO. LTD..... Appellant
Through: Mr.Pankaj Seth, Adv.

versus

RAM ISHWAR YADAV & ANR. Respondents
Through: Mr. Raj Rishi, Adv. for
Respondent no.1.
Mr. Anil Sehgal, Adv. for
respondent no.2.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the order of the Commissioner, Employees' Compensation whereby the compensation of Rs.7,94,131/- has been awarded to respondent no.1.
2. On 5th March, 2015 at 6.00 am, respondent no.1 employed as a driver with respondent no.2, was driving insured vehicle No.HR-38M-2184 while going to Bilaspur in Chhattisgarh when a power cable wire touched the vehicle which resulted in grievous injuries to respondent no.1 due to electrocution and his right hand and four toes of the left leg were amputated. Respondent no.1 filed an application for compensation before the Commissioner, Employees' Compensation

which resulted in the award for Rs.7,94,131/-. Respondent no.1 suffered 85% permanent disability as per disability certificate dated 4th January, 2016.

3. Learned counsel for the appellant urged at the time of the hearing that the age, income and injuries suffered by respondent No.1 in the alleged accident were not sufficiently proved. It is further submitted that the risk of the driver was not covered in the policy.

4. The record of the Commissioner, Employees' Compensation has been perused. Respondent no.1 has duly proved the case. That apart, even respondent no.2 appeared in the witness box as RW-1 and admitted the relationship of employment, the accident in question as well as the valid comprehensive insurance policy. No evidence was led by the appellant to rebut the same.

5. This Court is of the view that there is no infirmity in the impugned award. That apart, no substantial question of law arises for consideration in this appeal.

6. The appeal is, therefore, dismissed.

FEBRUARY 16, 2017

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J.R. MIDHA, J.