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

% **Date of Decision: 11th April, 2017**

+ FAO 360/2016 & CM No.27571/2016

THE NEW INDIA ASSURANCE CO LTD Appellant
Through: Mr. Shoumik Mazumdar, Adv.

versus

RAJESH KUMAR & ANR Respondents
Through: Mr. Prabhakar, Adv. for R1.

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

JUDGMENT (ORAL)

1. The appellant has challenged the order dated 06th May, 2016 whereby Commissioner, Employees' Compensation awarded compensation of Rs.10,69,008/- to respondent No.1.
2. Respondent No.1 filed an application for compensation before the Commissioner, Employees' Compensation on the ground that he was employed as a driver by respondent No.2 on vehicle No.HR-38-P-9396 which met with an accident on 15th November, 2014 and resulted in grievous injuries to respondent No.1. The respondent's right leg was amputated at below knee level and he suffered permanent disability of 65%. Respondent No.2 filed written statement in which he admitted the relationship of employment as well as the accident during the course of the employment. In view of the admission of respondent No.2, the Commissioner, Employees' Compensation computed the compensation in accordance with law.

3. Learned counsel for the appellant urged at the time of hearing that no issues were framed and no evidence was led by respondent No.1 to prove his claim. Learned counsel for respondent No.1 submits that in view of the admission of relationship of employment, the accident having occurred during the course of the employment as well as valid insurance policy in respect of the offending vehicle, no evidence was required to be adduced by respondent No.1.

4. There is no infirmity in the impugned order to award the compensation to respondent No.1 in view of the admission of the relationship of employment, the accident having occurred during the course of the employment as well as valid insurance. There is no merit in this appeal which is hereby dismissed. The pending application is disposed of.

5. The Appellant has deposited Rs.13,97,203/- out of which Rs.6,97,203/- has been released to respondent No.1 and Rs.7,00,000/- are lying in fixed deposit in FDR with Punjab National Bank, Unnao Branch.

6. Punjab National Bank, Unnao Branch is directed to prematurely discharge FDR No.163600PU00006124 and transfer the maturity amount to UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Rajesh Kumar within a period of four weeks from today. Respondent No.1 shall send the duly discharged FDR along with the copy of this order to Punjab National Bank, Unnao Branch by registered AD Post whereupon Punjab National Bank, Unnao Branch shall transfer the maturity amount of the FDR to UCO Bank, Delhi High Court Branch (IFCI Code UCBA

0001553).

7. List for disbursement of the aforesaid amount to respondent No.1 on 22nd May, 2017.

8. Respondent No.1 shall remain present in Court on the next date of hearing along with the passbook of his savings bank account near the place of his residence as well as PAN card.

9. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

APRIL 11, 2017
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J.R. MIDHA, J.

