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

+ **FAO 436/2016**

**THE DIRECTOR NATIONAL INSTITUTE OF TUBERCULOSIS &  
RESPIRATORY DISEASES** ..... Appellant

Through: Mr.Saket Sikri, Mr.Pranav Sharma,  
Mr.Vikalp and Mr.Junaid, Advocates

versus

**SUNITA & ORS.** ..... Respondents

Through: Mr.Raj Kumar Rajput, Adv. for R-1.  
Mr.Mukesh Anand, Adv. for R-1 and  
R-3.  
Mr.Nitesh Mehra and Ms.Shruti Rani,  
Advocates for R-4.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% **16.08.2017**

1. Learned counsel for respondent no.4, as prayed for, is allowed to file Vakalatnama on behalf respondent no.4 during the course of the day.

2. After arguments, this appeal is disposed of with the consent order, with consent of the appellant and respondent no.4 that the issue decided of existence of relationship of employer and employee between the deceased Mahesh Chand and the appellant, as held by the Employee's Compensation Commissioner in his judgement dated 26.05.2016, will not be taken as final and binding between the parties and this issue is left open to be decided in appropriate independent proceedings which the appellant intends to file against respondent

no.4 herein. Of course, this court clarifies that this court has not made observation one way or the other for or against the appellant or respondent no.4 with respect to existence of relationship of deceased Mahesh Chand either with the appellant or with the respondent no.4 and this issue will be decided in the independent proceedings which the appellant proposes to file against respondent no.4.

3. This appeal has been argued on behalf of the appellant and respondent no.4 limited to the aforesaid aspect only.

4. The appeal is accordingly disposed of in terms of the aforesaid order.

**VALMIKI J. MEHTA, J**

**AUGUST 16, 2017**

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