

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 99 of 2018**

Divisional Manager, Oriental Insurance Company Limited, M.B. Trade House, Balak Chowk Dhamtari, Policy No. 192000/48/2012/38, Validity 07.04.2011 to 06/2012

---- Appellant**Versus**

1. Ram Bai D/o Ghasiya Ram, aged about 25 years, Caste - Mandavi, R/o Khajrawand, Post Lihagaon, Tahsil Vishrampur, Distt. Kondagaon (CG)
2. Nahar Pedi Industries, Prop. Omprakash Nahar S/o Chandmal Nahar, aged about 40 years, R/o Kosmarra, Bhakhara, Tah. Dhamtari, Distt. Dhamtari (CG)

---- Respondents

For Appellant : Shri H. B. Agrawal, senior advocate along with Smt. Iturani Mukherjee, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/01/2018**

Heard on I.A. No. 01/18 which is an application for condonation of delay in filing appeal.

2. For the reasons assigned in the said application and finding them to be satisfactory, I.A. No.01 is allowed and the delay of 2 days in filing the appeal stands condoned.

3. Present is an appeal by the Insurance Company under Section 30 of Workmen's Compensation Act. Challenge is the order dated 05.10.2017 passed by the Commissioner Workmen Compensation, Labour Court, Dhamtari (CG) in Case No.61/W.C.Act/2012 (NF). Vide the impugned award, the Commissioner has awarded a compensation of Rs.4,16,467/- with interest @

10% per annum from the date of accident. The Commissioner has also imposed penalty against respondent no.2 the employer of the injured worker to the tune of Rs.1,66,586/- i.e. 40% of the amount awarded.

4. The challenge to the impugned award is on two grounds; firstly the Insurance Company is not liable to pay the entire compensation awarded by the Tribunal as the premium received was in respect of covering the risk of 23 workers with the total monthly salary of the workers being Rs.23,913/- that means the risk covered in respect of one worker would be Rs.1039/-. Therefore, the compensation ought to have been proportionately distributed between the Insurance Company and the employer. Second ground is that the Insurance Company has also been saddled with the liability of payment of interest part.

5. On perusal of the record, particularly the award and its contents, this Court does not find any substantial question of law raised by the appellant in the present appeal. It is a case where only one of the workers had suffered injuries. It is not a case where there were 23 claimants where the compensation had to be distributed among 23 workers. Therefore, the present appellant i.e. the Insurance Company is liable to indemnify the owner-employer to the extent of the injury sustained by claimant Ram Bai is concerned. So far as the interest part is concerned, it is by now well settled that the interest part has also to be borne by the Insurance Company.

6. This Court does not find any strong case made out by the Insurance Company for interfering with the impugned award. The appeal thus fails and stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE