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HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 1124 OF 2011

Bajaj Allianz General Insurance Company Limited, through Manager, Bajaj Allianz General Insurance Company Limited, Shiv Mohan Bhawan, Pandri, Raipur, Tahsil and District Raipur (C.G.)

… Appellant

versus

1. Jagatram Yadav, S/o Ramadhin Yadav, aged about 43 years
2. Smt. Kaushalya Yadav, W/o Jagatram Yadav, aged about 40 years
   Both are R/o Village Akolikhurd, Thana Arang, Tahsil Arang, District Raipur (C.G.)
3. Umendra Singh Dewangan, S/o Kansiram Dewangan, R/o Shyam Nagar Arang, Thana Arang, Tahsil Arang, District Raipur (C.G.)

… Respondents

For Appellant	:	Mr. Sachin Singh Rajput, Advocate.
For Respondents 1 & 2	:	Mr. Jameel Akhtar Lohani, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/01/2018

1. The present is an appeal under Section 30 of the Workmen's Compensation Act, 1923 filed by the appellant-insurance company.

2. Challenge in the present appeal is to the award dated 30.11.2010 passed by the Commissioner for Workmen's Compensation, Labour Court, Raipur, in Case No. Cat.1/B/44/W.C.Act/07/Fatal.

3. Vide the impugned award, the learned Commissioner has awarded a compensation of Rs.2,97,100/- in favour of respondents no. 1 and 2/claimants with interest thereon at the rate of 10% per annum from the date of accident.

4. Challenge by the appellant-insurance company is on the ground that the insurance company has been falsely fastened with the liability of payment of compensation inasmuch as the deceased in the instant case was not covered under the policy.

5. However, perusal of record would show that the witness examined on behalf of the insurance company, namely, Ashutosh Singh, in his deposition, has in very categorical terms accepted the fact that the tractor-trolley involved in the accident was duly insured and the validity of the policy was from 26.9.2005 to 25.9.2006. He had further deposed that the insurance company had also charged premium for an amount of Rs.7113/-, however, there was no break-up shown in the policy.

6. From the aforesaid factual matrix of the case because there is an acceptance by the insurance company itself of the offending vehicle being duly insured and the premium of more than Rs.7000/- having been accepted, the liability of payment of compensation has been fastened by the learned Commissioner upon the insurance company.

7. The appellant-insurance company has not been able to make out any sufficient and strong substantial question of law to assail the impugned award. An award under the Workmen's Compensation Act to be challenged, there has to be a substantial question of law for interfering with the impugned award. In the instant case since there is no substantial question of law made out by the insurance company, this Court is of the opinion that it is not a fit case calling for an interference with the impugned award and the same deserves to be and is accordingly affirmed.

8. The appeal thus stands dismissed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge

/sharad/