

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

457

FAO No.116 of 1997
Date of decision: 16.04.2018

National Insurance Company Ltd.

...Appellant

Vs.

Basant Kaur and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Ravinder Arora and
Mr. Neeraj Khanna, Advocates for the appellant.

Mr. Ashish Gupta, Advocate for respondents No. 1 and 2.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the award of the Commissioner under the Workmen's Compensation Act awarding compensation for the death of Gurdeep Singh. The claim of the respondents was that Gurdeep Singh-deceased was employed as driver of the truck of respondents No. 3 and 4 and said truck had met with an accident which resulted in death of the driver. Hence the application for compensation was filed. The case of the appellant was that the deceased did not possess a valid driving licence and to prove that they placed on record a verification report. This verification report was not given any credence since the author thereof was never produced to give his testimony.

Learned counsel appearing for the appellant has fairly accepted this fact and is not in a position to deny that the verification

report could not have been believed without the author thereof appearing in testimony. He, however, has argued that out of the same accident a claim application under the Motor Vehicles Act has also been filed and in that case the employee of the licensing authority has been summoned by the appellant and the appellant was able to prove that the deceased did not have a valid driving licence. As per learned counsel that evidence was also placed on the record in this case and hence Commissioner had erred in giving a finding that the deceased was holding a valid driving license. Counsel for the respondents has argued that just like the verification report even this document cannot be considered because it was never put to the claimants and merely placed on the record. In my considered opinion the arguments of the counsel for the respondent cannot be denied. In the first place that statement should have been put to the claimants and secondly, the document had merely been placed on record. Resultantly, I find no fault in the finding of the Commissioner that the respondents were entitled to compensation.

Appeal is dismissed.

Since the main case has been decided, pending civil misc. application, if any, stands also disposed of.

April 16, 2018

Poonam (II)

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No