

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

371

**FAO-2376-1997 (O&M)
Date of Decision : 15.5.2018**

Kumari Roopa, minor d/o Sh. Chitra

...Appellant

vs.

Sh. Billu and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Sanjay Vashisth, Advocate
for the appellant.

Mr. Mani Ram, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the Commissioner dated 29.9.1997 passed under the Workmen Compensation Act dismissing an application for compensation filed by the appellant.

The case of the appellant was that she was employed with the respondents and while working on the ginning machine met with an accident and her thumb was cut and compensation was awarded. It was pertinent to mention here that in the claim application the age of the appellant was mentioned as 10 years and the date of the accident as 5.1.1995. Subsequently, it was mentioned that actually the accident was occurred on 15.12.1994. The case of the respondents was that the appellant had never been employed with them and probably met with an accident somewhere outside and wanted to foist the liability on the respondents. The Courts below found that the appellant had not been able to prove the

relationship of employee and the employer and it was also doubted in view of her periodically changing statements, because in her testimony she had claimed to be 14 years old.

Learned counsel has not been dispel the suspicion which have been found by the Courts below. It is no doubt correct that a ten years old girl can be employed for certain purposes but it is hard to digest that such a child was employed on a ginning machine.

In the circumstances, I agree with the conclusion drawn by the Courts below. The appeal stands dismissed.

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

15.5.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No