

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4342 of 2002
Date of Decision: 01.03.2018

Naib Kaur and another

.....Appellants

Vs.

Tarsem Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.HPS Ghumman, Advocate, for the appellants.

Mr.Satpal Dhamija, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 11.02.2001 of the Commissioner under Workmen's Compensation Act, 1923 and Assistant Labour Commissioner, Rajpura, whereby dependents of the deceased had been given compensation amounting to Rs.2,19,950/-

Learned counsel for the appellants has referred to the judgment of Hon'ble Supreme Court of India in the case of **National Insurance Company Vs. Prembai Patel and others 2005(2) RCR (Civil) 497,** wherein provisions of Section 147 (1)(b) of the Workmen's Compensation Act, 1923 has been examined and observed as under:

“ Though the aforesaid decision has been rendered on Section 95(2) of the Motor Vehicles Act, 1939 but the principle underlying therein will be fully applicable here also. It is thus clear that in case the owner of the vehicle wants the liability of the insurance company in respect of death of or bodily injury to any such

employee as is described in clauses (a) or (b) or (c) of proviso (i) to Section 147 (1) (b) should not be restricted to that under the Workmen's Act but should be more or unlimited, he must take such a policy by making payment of extra premium and the policy should also contain a clause to that effect. However, where the policy mentions "a policy for Act Liability" or "Act Liability", the liability of the insurance company qua the employees as aforesaid would not be unlimited but would be limited to that arising under the Workmen's Act."

The ratio of this judgment is directly applicable to the fact of the present case. As such, the findings given by the learned Tribunal on issue No.3 is being modified that the insurance company is liable to make compensation to the claimant.

The appeal is allowed accordingly.

(RITU BAHRI)
JUDGE

01.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No