

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

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**IOIN FAO No. 134 of 2004 in/and
FAO No. 134 of 2004
Date of Decision : 28.3.2018**

New India Assurane Company Limited

....Appellant

vs.

Sh. Buta Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ashwani Talwar, Advocate
for the appellant.

Mr. K.S.Sandhu, Advocate for
Mr. K.S.Dhillon, Advocate
for the respondent No.2.

AJAY TEWARI, J. (Oral)

This matter has been fixed for impleading the LR's of the respondents No. 1 and 3. It would be seen that respondent No.2 is the wife of the respondent No.1. They both had filed a claim application on account of the death of their son.

In the circumstances, in my considered opinion there is no requirement to implead the LR's of the respondent No.1. The respondent No.3 was the insured who has also died. As regards the issue of impleading the LR's the fact of the matter is that the only ground taken in the main appeal was that as per the written statement of the insured he had engaged the deceased only for one trip and the only ground taken by the insurance company is that merely by engaging a person for one trip he cannot be taken

to be an employee.

In my opinion, this argument cannot be pressed into service because even if this fact is accepted, the deceased would still be an employee. The appeal stands dismissed.

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

**28.3.2018
anuradha**

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No