

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

FAO No. 4325 of 2013 (O&M)

Date of decision : 05.02.2018

National Insurance Company Limited

..... Appellant

versus

Gurmej Kaur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.C.Kapoor , Advocate for the appellant.

Respondents No. 1 and 2 ex parte.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 5.7.2013 passed by the Commissioner under the Employees Compensation Act, 1923 & Assistant Labour Commissioner, SAS Nagar, Mohali.

The claim of the claimants was that the deceased was employed with respondent No.1 as a driver and on 21.01.2012 was found dead hanging from a wooden beam on the truck. The Commissioner having allowed the claim, the appellant is before this Court.

It is the contention of learned counsel for the appellant that this death by hanging cannot be taken to be an accidental death and consequently would not come within the ambit of Section 3 of the Workmen's Compensation Act, 1923. His second argument is that at the time of his death, deceased was not on duty.

As regards the first contention, it is argued that it was for the

claimants to prove that the deceased had died in an accident. In my opinion death can take place only in four ways; by murder, by suicide, naturally or by accident. It is an admitted fact that the present is not a natural death. If it is the case of the appellant that it is a death either by murder or by suicide then it is for them to establish this fact. Once they have not established this fact, it has to be held that the death not having taken place due to murder, suicide or naturally, it was an accidental death. As regards the second argument, the Commissioner noticed that it was the case of the claimants that the deceased had taken ₹ 3000/- for filling diesel in the truck and had gone from the house. It was on this basis that the Commissioner came to the conclusion that at the time of his death the deceased was acting in the course of his employment. I regret my inability to take a different view.

Appeal is dismissed.

(AJAY TEWARI)
JUDGE

February 05, 2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No