

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.3772 of 2015 (O&M)
Date of decision: August 23, 2018

Reliance General Insurance Company Ltd. ...Appellant

Versus

Manjeet Kaur and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Subhash Goyal, Advocate for the appellant.
Ms. Deepmala Saini, Advocate for
Mr. Dhruv Gupta, Advocate for respondent No.2.
Respondent No.1 ex-parte.

Rajan Gupta, J.

Appellant Reliance General Insurance Company Ltd. has impugned the award dated 24.02.2015, passed by Commissioner, Employees Compensation Act and Assistant Labour Commissioner, Hoshiarpur, whereby compensation has been awarded to the claimants on account of death of Randev Singh in the accident.

Learned counsel for the appellant has argued that there was no relationship of employer and employee between respondent No.2 and the deceased, therefore, respondent No.1/claimant was not entitled to any compensation. Moreover, the authority has awarded compensation to the claimant on higher side.

Plea has been opposed by counsel appearing for respondent No.2. He submits that the Authority below has rightly granted

compensation on account of death of deceased Randev Singh.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Randev Singh (now deceased) was working as driver with M/s Balaji Industries respondent No.2 on Santro Car No.HR-08-E-8855. On 27.06.2009, deceased while driving the aforesaid car, was going from Hoshiarpur to Dasuya alongwith one Amit. When the car reached near Garhdiwala Chowk, his car met with an accident, in which deceased died on the same day. FIR No.25 dated 28.6.2009 was also registered in Police Station Garhdiwala, District Hoshiarpur. A claim application under the Employee's Compensation Act, 1923 was filed by the claimant. In support of her case, claimant Manjeet Kaur appeared as PW-1 and also tendered certain documents including copies of FIR, postmortem report, death certificate, ration card etc. On appraisal of evidence, the Commissioner under the Act came to the conclusion that deceased was working with respondent No.2, who died during the course of his employment. As regards quantum of compensation, the authority observed that deceased was 26 years of age at the time of his death. As per amended Act, the authority assessed income of deceased as Rs.6000/- per month (Rs.4000/- + Rs.2000/- as TA & DA). By applying relevant factor of 213.57, the tribunal granted Rs.6,40,710/- as compensation to the claimant alongwith interest @ 9% per annum w.e.f. 27.07.2009 till payment, failing which respondent No.2 was liable to pay interest @ 12% per annum on the aforesaid amount w.e.f. 27.07.2009. The authority observed that as deceased was having a valid driving licence, the appellant insurance company was liable to pay the

amount of compensation to the claimant.

There appears to be no apparent error in appraisal of evidence by the tribunal. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appellant did not adduce any evidence to prove that it was not liable to pay the amount of compensation. The appeal is without any merit and is hereby dismissed.

August 23, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No