IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO No.2927 of 2018 (O&M)
Date of decision: August 02, 2018

Reliance General Insurance Company Ltd. ...Appellant

Versus

Ran Singh & others ...Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Ms. Sheenu Sura, Advocate for the appellant.

Rajan Gupta, J.

Appellant Reliance General Insurance Company Ltd. has impugned the award dated 28.02.2018, passed by Commissioner, Employees Compensation Act, Bhiwani, whereby compensation has been awarded to the claimants on account of death of Kuldeep in the accident.

Learned counsel for the appellant has argued that there was no relationship of employer and employee between respondent No.4 and the deceased, therefore, respondents No.1 to 3/claimants were not entitled to any compensation. Moreover, the authority has awarded compensation to the claimants on higher side.

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

Kuldeep (now deceased) was working as second driver with M/s O.T.S. Limited, respondent No.4 on truck No.HR-38-N-8188. On 11.3.2009 at about 8.30/9.00 P.M., while driving the said vehicle, he reached Radha Swami Satsang Bhawan, Bhiwani. There he stopped the vehicle and gone on its roof, where heavy electric wire was hanging, which touched the standing truck as also body of the deceased, as a result of which deceased was electrocuted and died at the spot. He was taken to General Hospital, Bhiwani, where he was declared dead and postmortem of the deceased was conducted there. A report was lodged with the police. A claim application under the Employee's Compensation Act, 1923 was filed by the claimants. In support of their case, claimant Ran Singh appeared as PW-1 and also examined Satish Kumar as PW-2. They also tendered certain documents such as copies of DDR, postmortem report etc. On appraisal of evidence, the Commissioner under the Act came to the conclusion that deceased was working with respondent No.4, who died during the course of his employment. As regards quantum of compensation, the authority observed that deceased was 25 years of age at the time of his death. He was getting salary of Rs.5000/- per month. By applying relevant factor of 216.91, the tribunal granted Rs.5,42,275/- as compensation to the claimants. By adding Rs.2,06,065/- on account of interest, Rs.5000/- as expenses and Rs.5000/- for funeral, a total sum of Rs.7,58,340/- alongwith interest @ 12% per annum from the date of order till payment was granted to the claimants. The authority observed that policy Ex.R-7 was valid from 3.9.2008 to 2.9.2009, which covers the date of accident and thus, the appellant insurance company was held liable to pay the amount of compensation.

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.

(RAJAN GUPTA)
JUDGE

August 02, 2018
'Rajpal'

Whether speaking / reasoned Yes / No

Whether Reportable: Yes / No