

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

FAO No. 3794 of 2018 (O&M)

Date of decision : 09.07.2018

United India Insurance Co. Ltd.

....Appellant

V/s

Parveen Khan & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Harsh Aggarwal, Advocate for the appellant.

RAJAN GUPTA J.

Appellant-insurance company has impugned the award dated 27.04.2018 passed by Commissioner under the Employee's Compensation Act, Circle Ambala awarding an amount of ₹8,35,866/- on account of death of Salim Khan and liability has been fastened on it to pay the compensation. Learned counsel for the appellant submits that enough evidence was produced before the tribunal to show that respondents-claimants are not entitled for compensation. According to him, no notice under section 10 of the Act was served by the respondents-claimants nor any intimation regarding alleged accident was given to the appellant-company. Thus, liability could not have been fastened on the company.

I have heard learned counsel for the appellant.

Brief factual background of the case is that Salim Khan (deceased) was employed as a taxi driver by respondent no. 6 and drawing ₹6,000/- per month as salary alongwith other emoluments. On 13.03.2013 he was going from Narawana in Tavera vehicle bearing no. PB-65-N-2396. At about 7:15 P.M. when he reached near Kohinoor Dhaba he stopped the vehicle as he was not feeling well. As his condition deteriorated, he was

shifted to Civil hospital, Dera Basi where doctors declared him dead. As

Salim Khan died during the course of employment, a claim petition was preferred by legal heirs before the Commissioner, Employee's Compensation Act, circle Ambala for grant of compensation. After considering the evidence on record, Commissioner held that deceased had died due to heart attack while he was discharging his duty as driver. Deceased who was drawing a salary of ₹5732/- at the relevant time and considering his age as 35 years, it granted compensation of ₹5,64,774/- to respondents (legal heirs). As the vehicle was duly insured, liability to pay the compensation was fastened upon the appellant-insurance company. It also granted interest @ 12% per annum on the amount awarded which comes to ₹2,71,092/- as the insurance company has made default in paying compensation under the Act within one month from the date of accident. Total compensation of ₹8,35,866/- (₹5,64,774 + ₹2,71,092/-) was, thus, granted to the claimants-respondents. I find no infirmity with the award passed by the tribunal. It is evident that deceased who was 35 years of age was working as taxi driver with respondent no. 6. While returning from Narawana, he felt uncomfortable and parked the vehicle on the side of road near Kohinoor dhaba where he died due to heart attack and, thus, during the course of employment. Liability to pay the compensation was fastened upon the insurance company as the vehicle was duly insured. I am of the considered view that tribunal has rightly granted the compensation in the facts and circumstances of the case. No ground to interfere in appellate jurisdiction of this court is made out. Appeal is without any merit and is hereby dismissed.

July 09, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No