

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

FAO No. 5103 of 2018 (O&M)

Date of decision : 14.08.2018

United India Insurance Co. Ltd.

....Appellant

V/s

Reena & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amit Kundra, Advocate for the appellant.

RAJAN GUPTA J.

Appellant-insurance company has impugned the award dated 30.01.2018 passed by Commissioner under the Employee's Compensation Act, Rewari awarding an amount of ₹7,78,560/- on account of death of Tek Ram and liability has been fastened on it to pay the compensation. Learned counsel submits that appellant-insurance company cannot be held liable to pay compensation as the vehicle at the relevant time of occurrence was being driven in gross violation of the contract of insurance. According to him, claimants have miserably failed to produce any cogent documents with regard to age of the deceased which is necessary for the computation of compensation. Thus, impugned award deserves to be set-aside.

I have heard learned counsel for the appellant.

Brief factual background of the case is that Tek Ram (deceased) was employed as driver on a monthly salary of ₹20,000/- with respondent no. 5 on vehicle bearing registration No. NL-01-N-0552. On 14.09.2016 while performing his duties he met with an accident and died as a result thereof. A claim petition was preferred before the Commissioner,

Employee's Compensation Act, Rewari for grant of compensation. After considering the evidence and documents placed on record, Commissioner held that deceased who was employed as driver with respondent no. 5 had died during the course of employment. It, thus, allowed the claim petition and granted compensation of ₹7,78,560/- alongwith interest @ 12% per annum. As the vehicle was duly insured, liability to pay the compensation was fastened upon the appellant-insurance company. I find no infirmity with the award passed by the tribunal. It is evident that deceased who was working as driver had met with an accident and died during the course of employment. Liability to pay the compensation was fastened upon the insurance company as the vehicle was duly insured. I am, thus, 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.

As the main petition has been dismissed on merits, application for condonation of delay does not survive.

August 14, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No