

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

FAO No. 5138 of 2018 (O&M)

Date of decision : 16.08.2018

Shriram General Insurance Company Ltd.

....Petitioner

V/s

Dholi Devi

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Punit Jain, Advocate for the appellant.

RAJAN GUPTA J.

Appellant-insurance company has impugned the award dated 27.11.2017 passed by Commissioner under the Employee's Compensation Act, 1923, Rewari awarding an amount of ₹7,88,240/- on account of death of Babu Lal and liability has been fastened on it to pay the compensation. Learned counsel for the appellant submits that the authority has completely ignored from consideration the evidence produced on record while arriving at a conclusion. According to him, claimants have miserably failed to produce any cogent evidence to establish that the employer-employee relationship and that deceased died during the course of employment. In the absence of same, appellant cannot be fastened with the liability to pay the 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 Babul Lal (deceased) was employed as a cleaner on vehicle bearing registration No. RJ-14GD-6281 He was being paid ₹14,000/- per month. On 20.02.2016

while performing his duties, he met with an accident and died during the

course of employment. 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 came to the conclusion that deceased who was working as cleaner under the employment of respondent no. 9 died during the course of employment and claimants being dependents were entitled to receive compensation. It, thus, allowed the claim petition and granted compensation of ₹7,88,240/- alongwith interest @ 12% p.a.. 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 appears that the authority found that Babu Lal was an employee of respondent no. 9 and during the course of employment he met with an accident and died. 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.

Besides company has filed the appeal after inordinate delay of 98 days which would attract bar of limitation. Even after filing the appeal, 33 days delay has been occasioned in refilling the same. Both applications are, thus, dismissed.

August 16, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No