

\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Decision: 22nd March, 2018

+ FAO 429/2016

THE ORIENTAL INSURANCE CO LTD Appellant
Through: Mr. A.K. Soni, Advocate

versus

SAKINA DEVI & ORS Respondents
Through: Ms.Ravina Kant, Advocate for
Respondents No.1 to 4.
Mr.Amit Kumar Maihan, Advocate
for Respondent No.5.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the impugned order dated 31st March, 2016 whereby the Commissioner, Employees' Compensation has awarded compensation of Rs.6,45,840/- to respondents no.1 to 4.
2. On 12th December, 2012, late Lalit Yadav was driving vehicle No.HR-37-C-2680. Lalit Yadav met with an accident during the course of his employment with respondent no.5 which resulted in fatal injuries. The deceased was survived by his widow, mother and two children who filed an application for compensation before the Commissioner, Employees' Compensation.
3. The Commissioner, Employees' Compensation held that the accident

arose out of and during the course of the employment of late Lalit Yadav with respondent no.5 and awarded compensation of Rs.6,45,840/- to respondents no.1 to 4. The appellant claimed recovery rights against respondent no.5 which was declined by the Commissioner, Employees' Compensation on the ground that the widow of the deceased deposed that papers of her husband were misplaced in the accident.

4. Learned counsel for respondent no.5 submits that no evidence whatsoever has been led by the appellant before the Commissioner, Employees' Compensation and therefore, the appellant is not entitled to recovery rights.

5. The record of the Commissioner, Employees' Compensation has been perused and no evidence has been led by the appellant. The widow of the deceased deposed before the Commissioner, Employees' Compensation that the relevant documents of her husband were misplaced during the accident which has been believed by the Commissioner, Employees' Compensation.

6. There is no infirmity in the findings of the Commissioner, Employees' Compensation declining the recovery rights to the appellant.

7. The appeal is dismissed.

8. The appellant has already deposited the amount in terms of the order of the Commissioner, Employees' Compensation and the said amount has been disbursed to respondents no.1 to 4.

MARCH 22, 2018
dk

J.R.MIDHA, J.