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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 460/2017

MANJEET SINGH @ HARJEET SINGH

..... Appellant

Through: Mr. R.K. Nain, Adv.

versus

NATIONAL INSURANCE CO LTD & ANR

..... Respondents

Through: Mr. D.K. Sharma, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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23.01.2018

This appeal impugns an order dated 9th October, 2017 which dismissed the appellant's claim petition for want of jurisdiction under the Employees' Compensation Act, 1923 read with the Workmen's Compensation Rules, 1924.

The ground for dismissal was that the accident had occurred in Rajasthan whereas the claimant resided in Punjab while the vehicle was registered in Haryana, therefore, no cause of action arose in the NCT of Delhi. However, the Court would note that section 21 of the aforesaid Act provides that the venue of proceedings would also be at the place where the employer had the registered office.

The employer in the present case is Mr. Manoj Kumar having his place of business at Shop No. 21, Transport Centre, New Subzi Mandi, Azadpur, Delhi – 110 033. The vehicle in which the appellant suffered injuries is registered at Delhi at the aforesaid address and a

motor vehicle insurance policy was issued by the National Insurance Company with effect from 22.04.2015 to midnight of 21.04.2016. The insurer has accepted the aforesaid registration documents.

This Court, in a similar case: ***Ram Narayan & Ors. vs. M/s. The Oriental Insurance Co. Ltd. & Anr.*** [FAO 4/2018 decided on 18.01.2018] had held that since the employer's place of business was in Delhi the Commissioner in Delhi, would have jurisdiction to adjudicate upon the claim, the case had accordingly been remanded back to the Employees' Compensation Commissioner. In the present case too, a case is made out for setting aside the impugned order. It is so ordered and the case is remanded back to the Employees' Compensation Commissioner concerned to adjudicate upon the claim.

Since the parties are already present in the Court, they are deemed to have received notice of the claim petition. They shall file their respective replies within 15 days, before the aforesaid Commissioner. The parties shall appear before the Commissioner on 12.02.2018.

The appeal stands disposed off in the above terms.

NAJMI WAZIRI, J

JANUARY 23, 2018/acm