

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 723 of 2014

- The National Insurance Co. Ltd. G.E. Road, Power House, Bhilai, Tah. And Distt. Durg C.G.

---- Appellant/insurer

Versus

1. Bhagat Ram S/o Fakir Sahu Aged About 46 Years R/o Village Matra, Post- Birauda, Tah. Dhamdha, Distt. Durg C.G.
2. Rana Premkumar Singh S/o Rana Pratap Singh Prop. Rana Company, Village- Pathariya, Post- Medesara, Tah. Dhamdha, Distt. Durg C.G.

---- Respondents

For Appellant	:	Shri Qamrul Aziz, Advocate.
For Respondent No.1	:	None.
For Respondent No.2	:	Shri Sudhir Verma, Advocate.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

25/02/2019

This appeal is by the insurance company under Section 30 of the Workmen's Compensation Act, 1923 against the judgment dated 4.3.2014 passed by Commissioner, Employees' Compensation Act, Labour Court, Durg (CG) in Case No.106/WC Act/2008 (N.F.) awarding total compensation of Rs.94,960/- in favour of the claimant fastening liability on non-applicant No.2/insurance company, with interest @ 12% per annum from the date of accident till deposit in case the compensation is not paid within one month from the judgment.

02. As per averments in the claim petition filed under Section 10 of the Workmen' Compensation Act, 1923, on 10.1.2007 the claimant Bhagat Ram, aged 48 years, while working under the employment of non-applicant No.1 Rana Premkumar in his stone quarry situated at Village-

Sahgaon, sustained injury in his left eye as a piece of stone hit the same resulting in complete damage of the said eye. The claimant was treated in the clinic of Dr. BP Sharma, Supela, Bhilai. At the time of accident, the accidental insurance of the claimant was with non-applicant No.2.

03. On claim petition being filed by the claimant, the Commissioner considering the evidence led by both the parties passed the impugned judgment awarding compensation in favour of the claimant as mentioned above.

04. Learned counsel for the appellant/insurance company submits that the Commissioner has not appreciated the statement of owner/non-applicant No.1 properly, who has categorically denied the fact that the accident occurred in his stone quarry. Further, the FIR has been lodged 2-3 months after the accident by the claimant. Therefore, the insurance company is not liable to pay compensation to the claimant.

05. Learned counsel appearing for respondent No.2/non-applicant No.1 has supported the contention of the appellant.

06. Heard learned counsel for the parties and perused the impugned judgment.

07. It is not disputed by both the parties that on the date of accident, the claimant was under the employment of non-applicant No.1 and due to accident, he sustained injury in his left eye and 40% disability. The said injury and the disability has been duly proved by the eyewitness to the accident namely Ishwar Shrivastava, witness examined by the claimant, who was working in the nearby place. Further, Dr. Prashant Shrivastava, examined by the claimant before the Court, has also proved 40% disability to the claimant. Thus, considering the pleadings of the claimant duly supported by evidence of the eyewitness and the medical evidence, this Court finds no substantial question of law in this appeal for adjudication. The Commissioner considering all the relevant aspects of the matter, by properly appreciating the evidence adduced by the parties, has awarded compensation in favour of the claimant

fastening liability on the insurance company.

08. In the result, the appeal being without any substance is liable to be dismissed and is, accordingly, dismissed.

Sd/

(Gautam Chourdiya)

Judge

Khan