

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CR No.3218 of 2006 (O&M)

Date of decision: 04.02.2019

M/s Oriental Insurance Company Ltd.

..... Petitioner

Versus

Jeenat Jahan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.K. Bashamboo, Advocate
for the petitioner.

Mr. Ankur Gupta, Advocate
for respondents No.1 to 6.

ANIL KSHETARPAL, J. (ORAL)

Insurance Company has filed this revision petition against the order passed by the Commissioner under Employees Compensation Act refusing to set aside the ex parte award.

The petitioner-Insurance Company was impleaded in the petition before Commissioner Employees Compensation Act with address of Ahmedabad (Gujarat). On the summon sent, report came that there is no office at the given address. The Commissioner thereafter, got the notice published in Tribune (Punjabi) and proceeded against ex parte as no one appeared. The Tribune (Punjabi) does not have circulation in Ahmedabad. In Ahmedabad, may be, no one knows Punjabi. The Commissioner at the time of ordering publication should have applied its mind and ordered publication of the notice in a newspaper which has circulation at the address which was given in the petition. The publication

of notice in the newspaper is carried out to inform the party who is not appearing in Court. Hence, such notice is to be published in a newspaper which has circulation in the area where the party required to be summoned has an address or is residing therein.

In view thereof, the order under challenge is set aside. Consequently, the award passed by the Commissioner, Employees Compensation Act is also set aside. The Commissioner, Employees Compensation is directed to re-decide the claim petition within six months, from the date of receipt of a certified copy of this order.

This Court has no doubt that the Commissioner would grant opportunity to all the parties to prove their case.

With these observations, the appeal is allowed.

Parties through their counsel are directed to appear before the Court of Commissioner on 01.03.2019.

04.02.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No