

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

FAO No. 5567 of 2014(O&M)

Date of decision: 23.5.2019

Rajender Kaur and another

.....Appellants

VERSUS

Ajit Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. J.P. Sharma, Advocate for the appellants.

Mr. Shashikant Gupta, Advocate for respondent No.1.

Mr. Suvir Dewan, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against order dated 30.08.2013 passed by the Commissioner, Rewari under the Employees' Compensation Act, 1923 (in short 'the Act') whereby application for grant of compensation on account of death of Tirath Singh in the course of employment was dismissed primarily on the ground that the appellants have failed to establish their plea that Tirath Singh died during the course of employment as driver at Truck No.HR-47-6111 on the basis whereof issue No.2 framed by the Commissioner was answered against the appellant. A relevant extract from para 8 of the impugned order reads as follows:-

“8. That the petitioner did not prove his case, because the documents report Ex.AW2 did not mention the version that Tirath Singh was driver of truck no.HR-47-6111. the petitioner examined AW2 Bhajan Singh, but in the report did

not mentioned the name of Bhajan Singh also. It is also submitted that petitioner did not summon the record of DDR No.14 to prove his case. Hence, deceased Tirath Singh did not die out of and during the course of his employment under the respondent No.1. Hence, the issue No.2 is decided in favour of the respondents and against the petitioners.”

Counsel for the appellants has failed to point out any materials on record to successfully challenge findings of the Commissioner recorded in para 8 extracted hereinbefore or to make any convincing argument that Tirath Singh sustained personal injury in the course of employment. That being so, I do not find an error much less illegality in the impugned order, warranting intervention.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed.

MAY 23, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no