IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
-.-
FAO 710 of 2014 (O&M)
Date of decision: 15.01.2019

Shri Ram General Insurance Co Limited ....*Appellant*
versus
Krishana Devi and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Sanjeev Goel, Advocate
for the appellant
-.-

Rekha Mittal, J. (Oral)

CM 2239 CII of 2014

Prayer in this application is for condoning delay of 67 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments advanced, the application is allowed and delay of 67 days in filing the appeal stands condoned.

Main case

The present appeal directs challenge against order dated 30.08.2013 passed by the Commissioner, Employee's Compensation Act Circle-I, Panipat whereby compensation has been allowed in respect of death of Munesh alias Munna in an accident that took place on 11.09.2010.

Counsel for the appellant would inform that as no relief has been claimed against respondent No. 4, her service may be dispensed with.

Ordered accordingly.

The sole submission made by counsel for the appellant is that since Munesh alias Munna was not holding a valid licence to drive Tempo bearing No. HR 67A-0050, the insurance company is not liable to pay compensation.

Counsel for the insurance company would apprise the Court that the appellant has filed an application under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure for leading additional evidence to produce verification report dated 04.09.2012 (Annexure A-1) qua driving licence. It is argued that as per verification report, licence produced before the Commissioner has not been issued by the Licensing Authority, Mathura.

Indisputably, the insurance company did not adduce any evidence before the Commissioner that licence produced by the claimants is not valid one. The insurance company has filed an application for additional evidence to place on record report dated 04.09.2012 (Annexure A-1) which is not *per se* admissible in evidence, therefore, the same cannot be taken into consideration. This apart, counsel has failed to point out any provision under the Workmen's Compensation Act whereby the insurance company can avoid its liability to pay compensation on the premise that licence possessed by the deceased is not valid. Analyzed from any angle, contention raised by the insurance company is not meritorious and accordingly rejected.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

15.01.2019
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