

In the High Court of Punjab and Haryana at Chandigarh

**FAO- 6168 of 2015(O&M)
Date of Decision: 21.1.2019**

Bajaj Allianz General Insurance Company Limited

---Appellant

versus

Sagar (minor) and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Ashwani Talwar, Advocate
for the appellant**

**Mr. Madan Pal, Advocate,
for respondent No. 5**

**Rekha Mittal, J.
CM No.19546-CII of 2015**

Prayer in this application is for condoning delay of 24 days in filing the appeal.

In view of averments made in the application and arguments advanced by counsel for the applicant, application is allowed and delay of 24 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No. 6168 of 2015

The present appeal directs challenge against order dated 21.5.2015 passed by the Commissioner under Employees' compensation Act, 1923 (in short "the Act") whereby compensation has been allowed on

account of death of Baldev son of Kesho Ram, driver of tractor bearing No. HR-05 Z- 1742 under employment of Pawan Kumar-respondent No. 5.

Counsel for the insurance company would fairly inform that the appeal has been preferred only in regard to driving licence possessed by Baldev at the time of occurrence. It is argued that as Baldev had a licence authorizing him to drive light motor vehicle- tractor and light motor vehicle-non-transport and since the tractor was attached with trolley, he was not authorized to drive the vehicle in question.

The controversy raised in the present appeal is no longer res integra when examined in the light of latest judgment of Hon'ble the Supreme Court **Mukund Dewangan vs. Oriental Insurance Company Limited 2017 (7) Scale 731** wherein the earlier judgment of Hon'ble the Supreme court **Nagashetty vs. United India Insurance Company Limited, 2001(4) RCR (Civil) 597** has been considered and affirmed. In this view of the matter, contention raised by the insurance company is not meritorious and accordingly rejected.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

21.1.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No