

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5848 of 2018(O&M)

Date of Decision: 9.4.2019

The New India Assurance Company Limited

---Appellant

versus

Sujan Kaur and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Satpal Dhamija, Advocate
for the appellant**

Rekha Mittal, J.
CM Nos. 20201 and 20202-CII of 2018

Prayer in these applications is for condoning delay of 16 days
in re-filing and 9 days in filing the appeal.

Heard.

Allowed as prayed for. Delay of 16 days in re-filing and 9 days
in filing the appeal stands condoned.

Disposed of accordingly.

Main case

The present appeal directs challenge against order dated
30.3.2018 passed by the Commissioner, Patiala under the Employees
Compensation Act, 1923 (in short “the Act”) whereby compensation has
been assessed on account of death of Kheta Singh, driver of truck No. PB-
13-AL-7935 owned by Kulwinder Singh-respondent No. 2.

The sole submission made by counsel for the appellant is that

driving licence, if any, possessed by Kheta Singh (since deceased) was not produced on record and an adverse inference is liable to be drawn that he did not possess a driving licence, therefore, the insurance company has wrongly been fastened with liability to pay compensation. In the alternative, it is argued that the insurance company may be allowed right of recovery against the insured after payment of compensation to the claimant.

The controversy raised in the present appeal is squarely covered against the insurance company in the light of judgment of this Court “**New India Insurance Company Limited vs. Bawa Singh and others**” FAO No. 993 of 1996 along with connected cases decided on 27.3.2019.

No other point has been raised.

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

(Rekha Mittal)
Judge

9.4.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No