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

CR-5613-2019 (O&M)

Date of decision : 22.09.2022

Employees State Insurance Corporation, Chandigarh

...Petitioner

Vs.

M/s Nahar Industrial Enterprises Ltd. and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.S.Bhatia, Advocate for the petitioner.

Mr. Aalok Jagga, Advocate for respondent Nos.1 and 2.

MANOJ BAJAJ, J.

CM-18496-CII-2019

This application has been filed for condonation of delay of 117 days in re-filing the revision petition.

For the reasons mentioned in the application, same is allowed and delay of 117 days in re-filing the revision petition is condoned.

CM stands allowed.

Main case

Petitioner is aggrieved against the order dated 09.10.2018 whereby Civil Judge (Senior Division) Ludhiana has dismissed the petitioner's application for transfer of petition to Employees State Insurance Court at Mohali.

Learned counsel for the petitioner has argued that respondent Nos.1 and 2 filed an application before the Employees Insurance Court

Ludhiana to challenge the order dated 18.05.2018 passed by Regional Director, Employees State Insurance Corporation, thereby holding the company liable to contribution of Rs.1,24,61,552/-. He submits that the impugned liability relates to the factory/unit situated at village Jalalpur, Tehsil Dera Bassi, District Mohali and the dispute would fall within the territorial jurisdiction of Employees Insurance Court at Mohali, therefore, at the very initial stage, application dated 18.05.2018 was filed for transfer of this case from Employees Insurance Court Ludhiana to Employees Insurance Court at Mohali. He submits that the application was contested by the respondents, but the Civil Judge (Senior Division) Ludhiana vide impugned order erroneously dismissed the application by holding that the territorial jurisdiction lies with the Employees Insurance Court, Ludhiana.

Mr. Aalok Jagga, learned counsel appearing on behalf of respondent Nos.1 and 2 has argued that since the impugned order dated 18.05.2018 was received by the respondents at Ludhiana and the Branch Office of petitioners is situated at Ludhiana also, therefore, the petition has been rightly filed at Employees Insurance Court at Ludhiana. He submits that the impugned order has been passed after carefully examining the provisions relating to the territorial jurisdiction of Employees Insurance Court and the same does not warrant any interference.

After hearing learned counsel for the parties and examining the impugned order dated 09.10.2018, this Court finds that Civil Judge (Sr.Division) Ludhiana has not taken into consideration the original pleadings of the respondent Nos.1 and 2, relating to the cause of action and jurisdiction, much less the objections raised by the defendants that the liability

challenged before the Employees State Insurance Court at Ludhiana relates to their factory (unit) situated at Jalalpur, which is outside the territorial jurisdiction of Ludhiana. Though, in the impugned order certain provisions of the Employees State Insurance Act, 1948 and Punjab Employees Insurance Court Rules 1949 have been reproduced, but the order lacks reasoning relating to the jurisdiction of Employees State Insurance Court at Ludhiana. Thus the impugned order being non-speaking is not sustainable.

Consequently, the revision petition is allowed and the impugned order dated 09.10.2018 is set aside with a direction to Civil Judge (Senior Division) Ludhiana to decide this issue afresh after considering the relevant material and statutory provisions.

Disposed of.

(MANOJ BAJAJ)
JUDGE

22.09.2022

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No