

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

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FAO-647-2022 (O & M)

Date of Decision : 27.04.2022

Shri Ram General Insurance Company Limited

....Appellant

V/S

Mausam @ Mohsin and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr.Nigam K.Bhardwaj, Advocate
for the appellant

ANIL KSHETARPAL, J (ORAL)

The Insurance Company calls into question the order passed by the Commissioner under the Employee's Compensation Act, 1923, Nuh. The Commissioner has held that the respondent-workman is entitled to Rs.5,12,652/- along with interest @ 12% per annum for having suffered permanent disability to the extent of 45%.

Respondent No.1 was working as a driver and in an automobile accident he received serious injuries. Initially, he was taken to Raja Ram Hospital, Panki, Kanpur, and thereafter he was shifted to Dhariwal Nursing Home, Palwal. As per the doctors, respondent No.1 suffered 45% disablement due to the injuries received in an accident during the course of employment.

Learned counsel representing the appellant contend that because the driving licence of respondent No.1 was renewed in the year 2014, therefore, it must be assumed that respondent No.1 did not suffer any disability. He further contend that the claim petition filed by respondent No.1 was dismissed in default in the year 2015 but respondent No.1 filed a fresh petition.

In the considered view of the Court, there is no substance in the present appeal. It may be noted here that the doctors have certified that the respondent became 45% disabled. The disability certificate is Ex.AW-2/A.

Merely because his driving licence was subsequently renewed after a passage of two years, is not sufficient to assume that the respondent's disablement is vanished. In the absence of any other evidence it would not be appropriate to accept the arguments.

As regards the next argument, it may be noted that Employee's Compensation Act, is a welfare legislation that intends to benefit the claimant in case of a reasonable claim. These are summary proceedings and the procedure prescribed in the Code of Civil Procedure, 1908 is not applicable.

Disposed of.

(ANIL KSHETARPAL)
JUDGE

27.04.2022

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No