

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

FAO No.800 of 1998

Date of Decision: 23.03.2023

United India Insurance Company Limited

.....Appellant.

Versus

Prithvi Singh and another

.....Respondents.

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vinod Chaudhri, Advocate
for the appellant-Insurance Company.

None for the respondents
(as per order dated 03.08.1998, they were served but
had remained unrepresented on that day).

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved and dis-satisfied with the order passed by the Commissioner under the Workmen Compensation Act, Rewari (for short 'the Commissioner') on 20.01.1998, whereby respondent No.1-claimant (here-in-after to be referred as 'the claimant') has been granted compensation to the tune of Rs.6000/- and also the interest amounting to Rs.1350/-, on account of the injuries suffered by him (claimant) during the course of his employment and the appellant-insurer and respondent No.2-employer-insured (here-in-after to be referred as 'the employer') have been saddled with the liability to pay the same respectively, the appellant has preferred the instant appeal to lay challenge to the above-said order.

2. Shorn and short of unnecessary details, the facts culminating in the filing of the present appeal, are that the claimant filed an application against the employer and the appellant-insurer for claiming compensation of Rs.70,000/-, while averring that he had been employed by the employer as a driver on the Bus having registration No.HR-47-0748. On 21.12.1995, he was plying the bus on Kosli-Rewari route and on the way, about 30 (thirty) students boarded the bus and they picked up a quarrel with him (claimant) and the Conductor and during the ensuing scuffle, he sustained fracture on the finger of his right hand and due to the said injury, he is no more able to work as a driver and has, therefore, lost his job.

3. Both the respondents filed their separate written statements contesting the claim, as canvassed by the claimant in his application, on various grounds. The parties were put to the trial by framing the issues and after appreciating and evaluating the evidence as led by them (parties) on the record and hearing their learned counsels, the Commissioner passed the impugned order, granting compensation and interest to the claimant, as already indicated in the opening para of this judgment.

4. Learned counsel for the appellant contends that at the time of the alleged incident, the claimant was not holding any valid and effective driving licence to drive the afore-mentioned Bus and moreover, no criminal case had been got registered by the claimant regarding the above-referred incident, allegedly resulting into the injury on his right hand finger and in these circumstances, the appellant could not be fastened with the liability to pay the amount of compensation to him (claimant).

5. However, the afore-raised contentions are devoid of any merit because a perusal of Exhibit RW-3/1, i.e the copy of the driving licence of the claimant, reveals that he had been duly authorized by the Competent Authority to drive the heavy vehicle and the Bus is, concededly, a heavy vehicle. Even otherwise, the above-discussed incident neither involved nor had any concern with the driving skills of the claimant. As regards the factum of the non-registration of any criminal case qua the said incident, it is worth-while to mention here that the lodging of the FIR/criminal case is not a pre-requisite for claiming or granting the compensation under the Workmen Compensation Act. Moreover, the claimant, while deposing as AW-1, has made categoric depositions regarding the afore-said occurrence and the appellant has not been able to lead any cogent evidence on the file to rebut or falsify the same.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the appeal in hand, being *sans* any merit, stands dismissed.

March 23, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>