

2023:PHHC:147573

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

CR-4488-2019 (O&M)
Date of decision: 20.11.2023

Rajbala and another

...Petitioners

Versus

Suman Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kuldeep Khandelwal, Advocate for
Mr. Rajesh Khandelwal, Advocate for the petitioners

Mr. Parveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate for respondent no.1

Mr. Naveen Chopra, Advocate for
respondent no.2 and 3

Mr. Vikas P Singh, Advocate for respondent no.4

ANIL KSHETARPAL, J (Oral)

1. The petitioners herein are the claimants, who have filed a claim petition before the Commissioner under the Employees Compensation Act, 1923, on the ground that they have lost their son in a motor vehicular accident. While filing the claim petition, the petitioners allege that their son was employed by respondent no.1 on a monthly salary of Rs.10,000/- plus perks of Rs.200/- per day. It was also asserted that on 05.06.2016, on the instructions of respondent no.1-Sonu (the deceased) went to the service station,

Bhiwani for getting the vehicle washed and while returning back, he met with an accident, resulting in his death. During the pendency of the claim petition, M/s Balaji Service Station was impleaded as respondent no.4.

2. On the application of respondent no.1, the names of respondent no.1, 2 and 3 were deleted from the array of parties and the petitioners were directed to withdraw the petition and file a fresh one, after impleading the necessary parties. It is the case of the respondents that in the DDR, claimant no.2 has stated that he was working for the Balaji Service Station.

3. It is not in dispute that the parties are yet to lead their evidence. At this stage, deletion of respondent no.1, 2 and 3 is disastrous. The claimants are unfortunate parents of a young boy, who had died in an accident. They may be illiterate. They have already filed a claim petition before the Commissioner. Without giving them an opportunity to prove their case, the Commissioner has passed the impugned order.

4. The Commissioner has not only deleted the names of respondent no.1 to 3 but also directed the petitioners to withdraw the complaint, which is not supported by the provision of law.

5. Keeping in view the aforesaid facts, the impugned order is set aside. The parties shall be permitted to lead their evidence and the Commissioner shall decide the same, in

accordance with law. The parties through their counsels are directed to appear before the Commissioner on 11.12.2023.

6. Disposed of.

7. All the pending miscellaneous applications, if any, are also disposed of.

20.11.2023

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No