

117 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 5762 of 2016(O&M)

Date of Decision: 05.07.2023

HDFC Ergo General Insurance Company Limited

...Appellant

Versus

Sabana & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ashwani Talwar, Advocate
For the appellant.

None for the respondents.

KARAMJIT SINGH, J.

1. The appellant Insurance Company has filed this appeal against the order dated 13.05.2016 passed by the Commissioner under Employees' Compensation Act (for brevity, the Act) whereby compensation worth Rs.8,31,920/- along with interest has been awarded to the legal heirs of Tahir Hussain who met with an accident during the course of his employment and died. While passing the said award, the Court concerned directed the appellant to pay the amount of compensation to the claimants with right to recover the same from respondent No.7 (employer of the deceased), by approaching the competent Court.

2. The appellant has sought modification of the said order only to the extent that the recovery rights given to the appellant could be executed by approaching the concerned Commissioner under the Act, on the strength of a decision dated 24.09.2014 passed in FAO No. 458 of 2014 titled as New India Assurance Company Limited Vs. Anita Sharma & Anr. The counsel

for the appellant made prayer that in the impugned order word “competent Court” be replaced by word “Commissioner, Nuh at Mewat under the Act”.

3. Notice of motion was issued vide order dated 28.09.2016, but none has put in appearance on behalf of respondents No.1 to 6. Respondent No.7 who was employer of the deceased had not contested the claim petition filed by the claimants under Section 22 of the Act. So, the service of respondent No.7 is dispensed with in the present appeal.

4. In light of the judgment dated 24.09.2014 passed by the Single Judge of this Court in Anita Sharma’s case (supra), the impugned order is hereby modified to the extent that word “competent Court” is to be read as “Court of Commissioner, Nuh at Mewat under the Employees’ Compensation Act”.

5. With aforesaid modification, the present petition stands disposed.

05.07.2023

Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No