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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 983 OF 2025

Reliance Gen. Ins. Co. Ltd. ...Appellant
Versus
Mr. Satish Vithal Davkhar And Anr. ...Respondents

Mr. Akshay Kulkarni a/w. Mr. Avesh A. Ghadge for Appellant.
Mr. Amol A. Gatne for Respondent No.1.
Mr. Vasant N. More a/w. Mr. Asif N. Kazmi for Respondent No.2.

CORAM : M.M. SATHAYE, J.

DATE : 12th AUGUST, 2025

P.C. :

1. Heard learned counsel for the Appellant Insurance Company and learned counsel for Respondents (Original claimant and owner/employer).

2. This appeal is filed taking exception to the judgment and order dated 06.09.2023 passed in Application (E.C.A.) No.1 of 2020 by the Commissioner for Employees' Compensation, Pune. By the said impugned judgment and order, the Appellant - Insurance Company is held jointly and severally liable with the Respondent No. 2 / Employer to pay compensation of Rs.16,57,530/- with simple interest @ 12 % per annum from the date of accident till its realization. The Appellant - Insurance company and Respondent Employer are also jointly and severally directed to deposit medical expenses.

3. Few facts necessary for disposal of this appeal are as under.

The Claimant was working with Respondent Employer as a driver on a container on salary of Rs.15,000/- per month. When the vehicle was being driven from Nhavaseva towards Bhiwandi and when it reached at Targhar Bus Stop, the vehicle in question (insured vehicle) collided with the another container and in the accident, the Claimant suffered injuries. The Claimant was admitted to the hospital and in the course of treatment, his left leg was required to be amputated. The Claimant was 40 years old at the time of accident and since the injury was suffered during the course of and arising out of employment as driver, the claim was filed under Employees Compensation Act, 1923 ('the said Act', for short).

4. The Respondent Employer filed written statement and accepted that the Claimant was employed with him as a driver. The salary of Rs.15,000/- per month was also admitted. It was contended that the vehicle was validly insured with Appellant - Insurance Company.

5. The Appellant - Insurance Company filed written statement and denied all contentions. It is disputed that the accident took place during course of employment.

6. Issues were framed regarding claimant's suffering injury during course of employment, about the age and salary and about disability suffered. After hearing the parties and on appreciation of evidence, the impugned order was passed.

7. Learned counsel for the Appellant - Insurance Company submitted that the employer - employee relationship as well as alleged salary is not considered by the Commissioner in proper

perspective and the conclusion drawn could not have been reached on the basis of available evidence.

8. Learned counsel for the Respondent - Claimant submitted that all the findings given by the Commissioner are findings of the facts and there is no substantial question of law involved as required under Section 30 of the said Act. He relied upon the judgment **North East Karnataka Road Transport Corporation Vs. Sujatha [(2019) 11 SCC 514]** in support of his submission.

9. I have carefully considered the submissions and perused the impugned judgment.

10. From the stand taken by the Respondent employer, it is clear that the factum of employment as well as salary and happening of the accident during course of employment are admitted by the employer. The Tribunal after considering disability certificate and further considering the fact that the Claimant has suffered Locomotor disability by the imputation below knee, has come to the conclusion that injury has resulted into 100% loss of earning capacity as a 'driver' and therefore 100% loss of earning capacity is applied. The salary taken as a base is admitted by the employer and there is no dispute about age of the claimant.

11. Considering the aforesaid facts and circumstances, it is clear that the factual conclusion is based on evidence on record and no perversity could be pointed out. In **North East Karnataka RTC (supra)** relied upon by the Respondent - Claimant, the Hon'ble Supreme Court has observed that the questions regarding existence of

employer and employee relationship, salary and the extent of disability based on injury suffered are essentially questions of facts. The said judgment squarely applies to the facts of the present case.

12. Since no question of law is involved or pointed out and since factual aspects are decisive, no interference is necessary.

13. The appeal is accordingly dismissed with no order as to costs. Interim application/s if any are also dismissed.

14. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)