



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

218

FAO-986-2000 (O&M)**Date of decision : 21.01.2025****Oriental Insurance Company Ltd.****..... Appellant**

versus

Tejpal and another**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sanjiv Pabbi, Advocate
for the appellant.

Mr. Pankaj Rana, Advocate for
Mr. R.S. Malik, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

1. Instant appeal is directed against order dated 31.12.1999 passed by Commissioner under Workmen's Compensation Act, Sonapat, whereby the claim petition filed by the claimant stands allowed and he has been awarded compensation of Rs.1,54,560/- alongwith interest @ 12% simple interest as per the statute.

2. Mr. Pabbi while assailing the impugned order passed by the Commissioner has raised argument with respect to the nature of policy. It has been contended that the policy which has been enforced qua the appellant, was not policy issued under Workmen's Compensation Act, but was a policy issued in favour of the claimant qua personal accident. It has not disputed that as per the records, it stands proved that the right hand of the claimant was amputated owing to the accident on account of which he suffered disability of 70%. It has also come on record that the



policy issued, though was for personal accident, but was issued in name of 05 persons which includes the claimant. Thus, so far as contract of insurance is concerned, the same stands proved. Insurance company also cannot dispute that under the contract of insurance company, it was required to indemnify the claimant with respect to loss suffered by him in accident.

3. The only issue is with respect to the forum chosen by the claimant to agitate his grievance. The award is of the year 1999, this Court does not consider it fit to non-suit the claimant when the finding qua the liability of the insurance company cannot be faulted with.

4. In view of above, present appeal is dismissed.

(PANKAJ JAIN)
JUDGE

21.01.2025

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No