



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

**FAO No.1931 of 2025 (O&M)
Date of Decision : 26.03.2025**

New India Assurance Company Limited

.....Appellant

Versus

Chhuttu and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vinod Gupta, Advocate
 for the appellant.

PANKAJ JAIN, J.(Oral)

Insurance Company is in appeal aggrieved of the order dated 09.01.2025, passed by the Commissioner under the Employee's Compensation Act, 1923.

2. Claimant approached Commissioner under the Employee's Compensation Act, 1923 (hereinafter referred to as 'the Act of 1923') seeking compensation on account of injuries suffered by him while working as cleaner with respondent No.1 on a vehicle No.HR-73-B-3662 for a monthly salary of Rs.16,000/- + Rs.250/- per day as daily food allowances. It was claimed that on 22.07.2022 while he was on duty and was going to Faridabad for unloading goods, claimant fell down from the vehicle and injured his right leg, which came under the tyre of the vehicle and got



crushed. FIR bearing No.373 dated 26.07.2022 was registered at Police Station Hodal. The Commissioner awarded a compensation of Rs.15,70,005/- to the claimant.

3. The primary ground of attack raised by the appellant is regarding issue of employer-employee relationship.

4. Counsel for the appellant does not dispute that FIR No.373 dated 26.07.2022 was lodged with Police Station Hodal which is the initial version of the accident. The same has been proved on record as Exhibit C-2. As per the contents thereof, the applicant/claimant was working as cleaner on the vehicle owned by respondent No.1/the insured. The aforesaid evidence remained unrebutted. No evidence was adduced by the insurer or the insured to rebut the evidence adduced by the claimant. In terms of Section 2(dd)(iii) of the Act of 1923, the contract of employment can be in writing or oral. The same can be implied or explicit.

5. In view of above, this Court finds that the Commissioner rightly returned pure findings of fact regarding employer-employee relationship between the parties holding claimant entitled for compensation which need no interference.

6. So far as the issue w.r.t. the quantum of compensation is concerned, the same has also been rightly adjudicated by the Commissioner which is in terms of ratio of law laid down by Larger Bench of Supreme Court in the case of '**Pratap Narain Singh Deo v. Srinivas Sabata**', (1976)



1 SCC 289. The claimant having lost his leg and having been opined to be 86.26% permanently disabled by the Board, the functional disability of the claimant was rightly assessed at 100% holding him entitled for compensation as a 100% disabled employee as per Schedule appended to the Act of 1923.

7. This is an appeal filed under Section 30 of the 1923 Act. Interpreting the same Supreme Court in ‘**North East Karnataka Road Transport Corpn. Vs. Sujatha**’, (2019) 11 SCC 514 observed as under :-

“11. The appeal provided under Section 30 of the Act to the High Court against the order of the Commissioner lie only against the specific orders set out in clause (a) to (e) of Section 30 of the Act with a further rider contained in first proviso to the Section that the appeal must involve substantial question of law.

12. In other words, the appeal provided under Section 30 of the Act to the High Court against the order of the Commissioner is not like a Regular First Appeal akin to Section 96 of the Code of Civil Procedure, 1908 which can be heard both on facts and law. The appellate jurisdiction of the High Court to decide the appeal is confined only to examine the substantial questions of law arising in the case.”

8. Keeping in view the provision of Section 30 of the Act of 1923 substantial question of law in the appeal is *sine qua non* to maintain the appeal. Finding no substantial question of law involved in the present appeal as required under Section 30 of the Act of 1923, the same is ordered to be dismissed.



9. Pending application(s), if any, shall also stand disposed off.

26.03.2025			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether Reportable	:	Yes/No