



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

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**FAO-689-2021 (O&M)
Date of decision : 23.12.2025**

United India Insurance Co. Ltd.

..... Appellant

versus

Saroj Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Lakshay Jindal, Advocate for
Mr. Aman Bansal, Advocate
for respondents No.3.

PANKAJ JAIN, J. (Oral)

1. Insurance company is in appeal against the order passed by the Commissioner under Employee's Compensation Act, 1923.
2. Counsel for the appellant has assailed the findings recorded by the Commissioner on issue No.2 and submits that in the absence of there being any evidence qua employee-employer relationship and the employer having been proceeded ex-parte, adverse inference ought to have been drawn against the employer.
3. If the plea raised by Mr. Chaudhri has to be accepted. The adverse inference against the employer means that finding on issue No.2 has to be answered in favour of the claimant-employee.
4. Apart therefrom, that it has come on record that the claimant appeared in the witness box. She specifically deposed that the deceased was employee of Tarun Arora-respondent No.3. Once the



claimant on oath deposed with respect to the employee-employer relationship between the deceased and respondent No.3, the burden shifted upon the respondents to lead cogent evidence and to rebut the same as it is employer who possesses best piece of evidence.

5. Admittedly, the employer opted not to appear and the insurer opted not to lead any evidence. No effort was made by the insurance company to examine the employer to rebut the evidence led by the claimant.

6. In view thereof, this Court finds no reason to interfere in well reasoned finding of fact recorded by the Commissioner.

7. In the absence of there being any question of law involved in the present appeal as contemplated under Section 30 of 1923 Act, this Court finds no merit in the present appeal and the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

23.12.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No