



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-2465-2024 (O&M)

Date of decision : 10.12.2025

M/s. Malwa Honda Automobile Motors India Pvt. Ltd. and another**..... Appellants****versus****Akansha and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sushil Jain, Advocate
for the appellants.

PANKAJ JAIN, J. (Oral)**CM-9263-CII-2024**

This is an application for condonation of delay of 80 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed. Delay of 80 days in filing the appeal stands condoned.

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1. The only issue being raised by the appellant is disputing the death of the deceased during the course of employment.
2. Counsel for the appellant submits that it being a case of cardiac arrest, there is no causal relationship between the employment and the death of the deceased.
3. The issue is no more *res integra*. Supreme Court in the case of of '**Smt. Dariyao Kanwar and others versus M/s United India Insurance Company Limited and another**', reported as *2023 AIR SC*



“8. The Commissioner accepted the application filed by the appellants. It was noticed in the order passed by the Commissioner that, the employer admitted that the deceased was employed as a driver and he was on duty from Delhi to Baroda on 15.09.2003. The wages being paid to him were also admitted. With these facts on records, the Commissioner accepted the application and assessed the compensation at ₹3,26,140/- (Rupees three lakh twenty-six thousand one hundred and forty). Aggrieved against the aforesaid order of the Commissioner, the Insurance Company preferred an appeal before the High Court. The arguments raised by the Insurance Company was that there is no material on record to suggest that the death of Sumer Singh occurred due to strain and stress during employment. In case, the deceased employee was already suffering from any existing disease and died on account of that, it cannot be said to be a case of death during the course of employment. The view of the High Court was that there is no relationship between the death and the work being done by the deceased. Hence, the order of the Commissioner was found to be unsustainable.

9. The judgment of this Court in Param Pal Singh’s case (supra) relied upon by the counsel for the appellants, comes to their rescue. In that case, the deceased was a truck driver. While on duty, he suddenly suffered health set back and parked his vehicle on roadside hotel. After parking the vehicle, he fainted and was taken to the hospital. He was declared brought dead. An application was filed by the dependents of the deceased for claiming compensation under the 1923 Act. The Commissioner accepted the claim whereas the order passed by the Commissioner was set aside by the High Court. The dependents filed an appeal before this Court. It is noticed in the aforesaid judgment that additional premium was paid for coverage of compensation payable under the 1923 Act.

10. This Court accepted the appeal filed by the dependents of the deceased and found that even if the death had not occurred on account of any accident but the driver was consistently driving the vehicle, there is every reason to assume that long spells of driving was a material contributory factor, if not the sole cause that accelerated his unexpected



death at a young age. Such an untoward mishap can reasonably be described as an accident, only attributable to the nature of employment. In the aforesaid judgment, the employee was 45 years of age. It squarely covers the case of the appellants. The relevant paras of the decision are extracted below:-

“29. Applying the various principles [laid down in](#) the above decisions to the facts of this case, we can validly conclude that there was causal connection to the death of the deceased with that of his employment as a truck driver. We cannot lose sight of the fact that a 45- year-old driver meets with his unexpected death, may be due to heart failure while driving the vehicle from Delhi to a distant place called Nimiaghat near Jharkhand which is about 1152 km away from Delhi, would have definitely undergone grave strain and stress due to such long- distance driving. The deceased being a professional heavy vehicle driver when undertakes the job of such driving as his regular avocation it can be safely held that such constant driving of heavy vehicle, being dependent solely upon his physical and mental resources and endurance, there was every reason to assume that the vocation of driving was a material contributory factor if not the sole cause that accelerated his unexpected death to occur which in all fairness should be held to be an untoward mishap in his lifespan. Such an "untoward mishap" can therefore be reasonably described as an "accident" as having been caused solely attributable to the nature of employment indulged in with his employer which was in the course of such employer's trade or business.

30.In such circumstances, we are convinced that the conclusion of the Commissioner of Workmen's Compensation that the death of the deceased was in an accident arising out of and in the course of his employment with the second respondent was perfectly justified and the conclusion to the contrary reached by the learned Judge of the High Court in the order impugned in this appeal deserves to be set aside.”



(emphasis supplied)

11. *Similar view was expressed by this Court in Northeast Karnataka Road Transport Corpn's case. (supra)."*

4. The same view was reiterated by Supreme Court in *Civil Appeal No.2568 of 2022* titled as '**C. Manjamma and another versus The Divisional Manager, The New India Assurance Company Limited.**

5. Pure finding of fact has been returned by the Commissioner based on proper appreciation of evidence on record. 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."

6. In view thereof, this Court finds that neither the employer nor the insurer having led any evidence to prove any prior ailment, no fault can be found with the findings of fact recorded by the learned Commissioner that the deceased died of an accident suffered arising out of and during course of the employment.

7. Consequently, the present appeal is dismissed.



8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

10.12.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No