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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 07th July, 2025*

+ FAO 169/2025&CM APPL. 38786-38788/2025

SBI GENERAL INSURANCE COMPANY LIMITED.....Appellant

Through: Mr. Sameer Nandwani with Ms.
NiyatiJadhun, Advocates.

Versus

SHRI GANPAT SINGH & ORS.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. This is an appeal under Section 30 of Employees Compensation Act, 1923.
2. The challenge is to the order dated 28.02.2025 passed by Employee's Compensation Commissioner in case No. CEC/SD/D/49/2019/316 titled *Ganpat Singh & Ors. v. SCL Logistics & Anr.*
3. There is delay of 30 days in lodging the appeal and, keeping in mind the reasons assigned in the application i.e. CM APPL. 38788/2025, the delay is condoned.
4. Fact, however, remains that any such appeal is liable to be entertained only if it divulges any "*substantial questions of law*".
5. This Court has gone through the impugned order dated 28.02.2025.
6. There is no dispute that *M/s. Khushi Logistic Solutions* had taken one insurance policy from the petitioner herein and, at the time of accident in question, such policy was valid and subsisting.
7. The truck in question, which had been got insured, met with an accident on 25.06.2021 and, Mr. Ved Prakash, who was allegedly employed as a driver



with the employer-Company, got entrapped inside the vehicle on account of the aforesaid accident and, eventually, succumbed to his injuries.

8. Summons were issued to both the respondents i.e. alleged employer as well as the insurance company by the learned Commissioner.

9. The employer (respondent No.1 before the learned Commissioner) filed written statement and denied any such relationship of “*employer and employee*” between the parties. According to him, the deceased was not authorized to drive vehicle as he was merely a cleaner/helper and, according to them, at the time of the alleged accident, the deceased was driving the vehicle in a rash and negligent manner, which resulted in the accident, leading to his unfortunate death.

10. Fact, however, remains that the testimony of the claimant seems completely un rebutted and uncontroverted. So much so, even the insurance company also did not put any question to the claimant.

11. Undoubtedly, as per the stand taken by the employer, there was denial of relationship of *employer and employee* but fact remains that such assertion remains assertion only and was never proved in any manner. More importantly, in the impugned order dated 28.02.2025 itself, Ld. Commissioner, in his findings, while relying on *Reliance General Insurance Co. Ltd. v. Ashok Kumar, 2017 SCC OnLine Del 12869*, held that relationship of *employer and employee* stood established.

12. As already noticed above, the testimony of the claimant is uncontroverted and, to make things worse, the employer also did not enter into witness box. No witness was examined from the side of the insurance company either and, resultantly, based on the evidence coming from the side of the petitioner only, which was, virtually, un rebutted and uncontroverted,



the claim has been allowed.

13. Merely because written statements were filed by the concerned parties before the learned Commissioner, the same would not, *ipso facto*, mean that whatever has been said by them has to be taken as *gospel truth*.

14. The pleadings only help the concerned Court/Commissioner to assess the rival stand and then to frame issues.

15. The all-important aspect is the evidence which is ultimately led by the respective parties inconsonance with such pleadings.

16. Since neither the employer nor the insurance company graced the witness box, their assertions never stood substantiated and, they, now, cannot be permitted to draw the attention of the Court to such stand taken by them in their respective written statements.

17. In the garb of the present appeal, the endeavour is to touch questions of fact, which is not permissible.

18. Learned Commissioner, in view of the aforesaid was, virtually, left with no option but to allow the claim and, since the aspect of there being no relationship of employer and employee between the parties was never substantiated and proved in any manner whatsoever by the respondents, the present appeal fails as it does not disclose any question of law, much less a substantial one.

19. Moreover, the words employed under Section 30 of Employees Compensation Act, 1923 are very clear and specific, and the appeal can be entertained only if it reveals *substantial question of law*. Hon'ble Supreme Court in *North East Karnataka Road Transport Corporation v. Sujatha* (2019) 11 SCC 514, has also held as under:-

“11. The appeal provided under Section 30 of the Act to the



High Court against the order of the Commissioner lies only against the specific orders set out in clauses (a) to (e) of Section 30 of the Act with a further rider contained in the first proviso to the section that the appeal must involve substantial questions 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.”

20. Resultantly, the appeal is dismissed.
21. Pending applications, if any, also stand disposed of.

(MANOJ JAIN)
JUDGE

JULY 7, 2025/ss/pb