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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 205/2013 and CM APPL. 6913/2013**

DELHI TRANSPORT CORP.Appellant
Through: Mrs. Avnish Ahlawat, SC with
Mrs. Tania Ahlawat, Adv.

versus

**SIMLA DEVI W/O LATE SH. SATISH
KUMAR**Respondent
Through: Ms. Shivani Purohit, Adv.

**CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA**

ORDER

% **03.04.2025**

1. Having heard the learned counsel for the parties and on perusal of the record, this appeal preferred by the appellant under Section 30 of the Workmen Compensation Act, 1923 comes up for final disposal.
2. In a nutshell, the appellant/DTC is assailing the impugned order dated 26.03.2010 and 24.01.2013 whereby the claim of the respondent seeking compensation on account of death of her husband Lt. Sh. Satish Kumar, who admittedly died during the course of his employment, was allowed.
3. The main plank of the appellant, though not admitting as such, is that the deceased was claimed to have expired on 08.12.1992, and the claim petition was filed after 12 years of the incident. Although the said issues were also raised before the learned Commissioner, Employees Compensation, the same was brushed aside since it was held that the claimants were prejudiced not only due to wrong legal advice given to the widow and the children of the deceased but also



for the fact that they were hailing from a far of rural area, and thus, were not able to institute a claim for compensation within the stipulated period.

4. In that of the matter, the claim petition was allowed and they have been granted a total compensation of ₹74,240/- payable with interest at the rate of 6% per annum from the date of accident plus ₹1,000/- as funeral charges. The said amount already stands deposited in with the learned Commissioner, Employees Commission in terms of the direction of this Court dated 13.09.2013.

5. In the light of the peculiar facts and circumstances of the matter, the law should not be allowed to come in the way of advancing justice to the claimants.

6. Thus, keeping the issue of law remaining open and to be addressed in some other legal proceedings, the instant appeal is disposed of with a direction that the amount of compensation, deposited with the learned Commissioner, Employees Compensation be released in favour of the respondent no.1/Smt. Shimla Devi wife of the deceased forthwith with the accrued interest.

DHARMESH SHARMA, J.

APRIL 03, 2025

Ch /Sg