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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 381/2024**

REKHA DEVI AND OTHERSAppellants

Through: **Mr. Vaibhav Vats, Adv.**
versus

M/S PLASTIC INJECTION MOLDING MACHINE AND
ANRRespondents

Through:

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

28.02.2025

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FAO 381/2024 & CM APPL. 11994/2025

1. This is an appeal filed by the appellants, who are the widow and parents of the deceased Raju Ranjan Shah, under Section 30 of the Employees' Compensation Act, 1923 ["E.C. Act"] assailing the impugned order dated 20.09.2024 passed by the learned Commissioner, E.C. Act, whereby their claim for compensation was rejected.

2. No notice as yet has been issued to the respondents in the present matter.

3. Learned counsel for the appellants has invited the attention of this Court to the findings recorded by the learned Commissioner, E.C. Act *vide* Issue No.1 and it is requested that the matter be remanded back to the learned Commissioner, E.C. Act for re-adjudication after affording an opportunity to the claimants to lead their evidence on the matters in issue.

4. Evidently, the impugned order dated 20.09.2024 is premised on the fact that only the widow of the deceased was examined as CW-1 and neither any co-employee was examined nor any documentary



evidence was placed on the record.

5. It is pointed out that the claimants belongs to an impoverished family and hail from Village Gangauli, PS Masrakh, District Saran, Chapra, State of Bihar. It is also borne out from the record that charge-sheet was yet to be filed at the time of passing of the impugned order, and even the Investigating Officer could not be examined during the course of the said proceedings.

6. It appears that the claimants have been put to serious disadvantage due to poor legal assistance and thereby being ignorant of their legal rights.

7. In view of the above, the present appeal is allowed and the impugned order dated 20.09.2024 passed by the learned Commissioner, E.C. Act is set aside.

8. Resultantly, the matter is remanded back to the learned Commissioner, E.C. Act with directions to allow the claimants to lead evidence afresh and thereafter decide the matter in accordance with law.

9. The petitioners/claimants are directed to appear before the learned Commissioner, E.C. Act on 01.04.2025 through their Authorized Representative/Counsel.

10. The date already fixed in the matter before this Court i.e. 20.05.2025 stands cancelled.

11. The appeal as well as the application stands disposed of accordingly.

DHARMESH SHARMA, J

FEBRUARY 28, 2025/sm