08.10.2026
Ct. No. 17
Sl. No. 15
RANJAN

FMA 815 of 2025
IA NO: CAN 1 of 2025

NATIONAL INSURANCE COMPANY LIMITED
VS.
SAZZAD SEKH @ MD. SAZZAD @ SEIKH SAJAD AND ANR.

Mrs. Sucharita Paul
..... for the appellant

This appeal is directed against an order dated 25.07.2024 passed by the Learned Commissioner, 1st Court, Employees' Compensation, West Bengal whereby an award of Rs. 7,27,644/- together with simple interest accrued thereon @12% per annum commencing after expiry of one month from date of accident of the case till realization has been directed to be paid by the appellant.

Briefly, the claimant while driving a tanker met with an accident and suffered injuries. Subsequently, the claimant filed Claim Case No. 316 of 2011 before the learned Commissioner praying for compensation for accidental injuries.

On 25.07.2024, the impugned order was passed whereby after hearing all the parties and upon consideration of the evidence, the Commissioner awarded an amount of Rs. 7,27,644/- along with interest in favour of the claimant.

On behalf of the appellant Insurance Company, it is contended that the impugned order is liable to be set aside on the ground that there has been a breach of policy conditions by the owner as well as the victim. It is also contended that the policy did not cover vehicles carrying hazardous goods and thus, there was a clear breach of the policy conditions. In any event, the victim had not appeared before the Medical Board nor any Government Hospital to ascertain whether he had become physically handicapped or not. In such circumstances, there is no proper nor credible evidence which has been adduced by the victim.

Section 30 the Employees' Compensation Act, 1923 provides as follows—

> *"(1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely:--*
>
> *(a) an order awarding as compensation a lump sum whether by way of redemption of a half monthly payment or otherwise or disallowing a claim in full or in part for a lump sum; [(aa) an order awarding interest or penalty under section 4A;]*
> *(b) an order refusing to allow redemption of a half-monthly payment;*
> *(c) an order providing for the distribution of compensation among the dependants of a deceased [1][employee], or disallowing any claim of a person alleging himself to be such dependant;*
> *(d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 12; or*
> *(e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions: Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than [3][ten thousand rupees or such higher amount as the Central Government may, by notification in the Official*

Gazette, specify] Provided, further, that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties: [4][Provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.]

(2) The period of limitation for an appeal under this section shall be sixty days.

(3) The provisions of section 5 of [5][the Indian Limitation Act, 1963 (36 of 1963)] shall be applicable to appeals under this section."

After hearing of the submissions made on behalf of the parties and on a perusal of the records there is no question of law, far less, any substantial question of law which is arises for consideration.

It is an admitted position that the appellant Insurance Company had adduced no evidence whatsoever before the Commissioner. The impugned order is reasoned and adequately deals with all the points which had been raised for consideration. All the questions raised by the appellant are pure questions of fact.

In such circumstances, this is not a case fit for admission, FMA 815 of 2025 along with the connected application stands dismissed.

[RAVI KRISHAN KAPUR, J.]

[ATARUP BANERJEE, J.]