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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO-581-2023 (O&M) with
XOBJC-41-2023
Date of decision : 26.02.2026**

CHOLAMANDLAM MS GENERAL INSURANCE COMPANY LIMITED
....Appellants

Versus

MANJU AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Nigam Kumar, Advocate
for the appellant.

Mr. B.K. Bagri, Advocate
for respondents No.1 to 4/cross-objectors.

PANKAJ JAIN, J. (ORAL)

Insurance Company is in appeal aggrieved of the order dated 23.06.2022 passed by Commissioner under the Employee's Compensation Act, 1923 (hereinafter referred to as 'the 1923 Act').

2. The claim petition was filed seeking compensation on account of death of Krishan Kumar, who was employed as cleaner/conductor on insured vehicle. As per the claimants, the deceased was going by motor-cycle to attend his duty when a stray animal came in front of his vehicle. The deceased lost balance and died on the spot.

3. Counsel for the appellant submits that since the accident has no causal relationship with the employment, deceased cannot be said to have



died in an accident arising out of and during the course of employment.

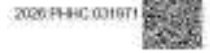
Thus, the case would not be covered under Section 3 of 1923 Act.

4. The question thus arises is :

‘Whether the deceased Krishan Kumar was within the sphere of employment and thus the claimants can be granted benefit of doctrine of notional extension or not?’

5. Respondent No.1 employer filed written statement wherein while spelling out the reason for Krishan Kumar to be on spot of accident, it was pleaded that Krishan Kumar was on motor-cycle only on the instructions of employer. The same has been taken cognizance of the Commissioner, observing as under:

“20. A perusal of written statement of respondent no.1 shows that Krishan Kumar was employed as conductor / cleaner with his said truck. Statement of independent witness i.e. AW-2 is fully supported with statement of petitioners i.e. AW-1 and version of written statement of respondent no.1 i.e. owner as well as employer of deceased; Sandeep Kumar disclosed in his evidence; he knew Krishan Kumar (since deceased), who used to work as cleaner / conductor on said truck. He also disclosed that he had to take his household items from his Village to Bhiwani, so due to this, he contacted Shriniwas i.e. owner of truck and booked said truck for 04.08.2017 in morning. He also disclosed that Srinivas had given instruction to Krishan Kumar in my presence; to reach village Khanpur by motorcycle in morning for loading household items in truck and go with truck as cleaner, his statement goes prove and does not rebutted by the respondents.”



6. In view of above, this Court finds that the Commissioner has rightly held claimants entitled to compensation as the deceased was travelling on the instructions given by employer and thus cannot be said to be out of sphere of the employment.

7. That apart, counsel for the appellant admits that the entire compensation stands disbursed to the claimants.

8. In view of above, finding no merit in the present appeal, the same is ordered to be dismissed.

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9. Present cross-objections have been preferred at the behest of respondents No.1 to 4/claimants, seeking dismissal of appeal and enhancement of compensation.

10. No enhancement is required to be granted as adequate compensation has been awarded by the Tribunal.

11. The instant cross-objections are disposed off.

12. Pending application, if any, shall also stand disposed off.

February 26, 2026
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No