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

FAO-1802-1997 (O&M)

Date of decision : 10.03.2026

THE NEW INDIA ASSURANCE CO.LTD.

....Appellant

Versus

JASWINDER KAUR ETC.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Deepak Suri, Advocate
for the appellant.

None for the respondents.

PANKAJ JAIN, J. (ORAL)

Insurance Company is in appeal aggrieved of the order dated 18.11.1996 passed by the Commissioner under the Workmen's Compensation Act, 1923 (now known as Employee's Compensation Act, 1923 and hereinafter referred to as '1923 Act').

2. The claim relates to death of Wazir Singh, who was employed as a driver on the Harvester Combine insured by the appellant.

3. The sole argument raised by counsel for the appellant/insurer is that the Commissioner erred in holding that the deceased died in an accident arising out of and during the course of employment.



4. Mr. Suri submits that the deceased having died in an accident while going on scooter to purchase spare parts of the combine machine, there is no causal relationship between the death of the deceased and his employment.

5. I have heard counsel for the appellant and have carefully perused the records of the case.

6. Employment of Wazir Singh as a driver on Harvester Combine bearing No.PAK-9401 is not in dispute. It has come on record that on instructions given by his employer, the deceased had gone on scooter to purchaser spare parts for the combine machine on which he was employed.

7. The issue regarding accident arising out of and during the course of employment and the application of theory of notional extension was deliberately dealt by this Court in **FAO No.940 of 2016** titled as **‘Reliance General Insurance Co. Ltd. vs, Pyari and another’** decided on 04.10.2024, wherein this Court, observed as under:

“20. Thus, from the aforesaid precedents relating to the application of ‘notional extension’ the following propositions emerge:

- (i) As a rule, the employment of an employee does not commence until he has reached the place of employment and does not continue after he leaves the place of employment. However, this is subject to the theory of notional extension of the employer's premises;
- (ii) Theory of notional extension connotes that there may be some reasonable extension in both time & place. An employee may be regarded to be in the



- course of employment even though he had not reached or had left the employer's premises;
- (iii) An employee while on public road or in public place or in a public transport, is present there as a member of public and not in the course of employment unless very nature of the employment necessarily requires for him to be there. The test for determining is “*whether he was within the sphere of area of employment or not*”; and
 - (iv) The accident must have a causal connection with the employment.”

8. Keeping in view that the deceased lost his life in an accident while travelling on scooter, on instructions of his employer having gone to purchase spare parts, he cannot be held to be beyond the sphere of employment. He being in sphere of employment, the Commissioner rightly held the claimants entitled to compensation.
9. Finding no merit in the present appeal, the same is ordered to be dismissed.
10. Pending application, if any, shall also stands disposed off.

March 10, 2026
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No