



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

235

FAO-1019-2001 (O&M)

Date of decision : 16.03.2026

The Oriental Insurance Company Ltd.

..... Appellant

versus

Smt. Chandro Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. D.P. Gupta, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Insurance company is in appeal aggrieved of the order dated 14.12.2000 passed by the Commissioner under Workmen's Compensation Act, 1923.

2. Counsel for the appellant has raised two fold submissions. He assails finding recorded by the Commissioner on issue No.1 saying that the Commissioner ought not have condoned the delay in filing the claim petition. Findings on issue No.1 would reveal that the limitation was condoned vide order dated 17.11.1999. The said order was neither challenged nor is the subject matter of challenge in the present appeal. Be that as it may, even if it is held that in appeal, all the interim orders are subject matter of appeal, this Court finds that Section 10 of the 1923 Act clothes the Commissioner with power to condone delay.

3. Counsel for the appellant has not been able to point out any circumstance to show that the discretion has been illegally exercised by the Commissioner in accepting the claim of the claimants under



beneficial legislation.

4. In view thereof, finding on issue No.1 is hereby affirmed and maintained. The other plea raised by the counsel for the appellant is with respect to finding of fact recorded by the Commissioner regarding deceased driving the vehicle at the relevant time. The issue is not whether the deceased was driving the vehicle or not, the issue is whether he was within the sphere of employment at the relevant time or not. It has come on record that the deceased was employed as a driver with respondent No.1. At the time, he suffered fatal accident, he was within the sphere of employment.

5. In view thereof, this Court finds no reason to interfere in the pure finding of fact recorded by the Commissioner in the absence of there being any substantial question of law involved as contemplated under Section 30 of the 1923 Act.

6. Finding no merits in the present appeal, the same is ordered to be dismissed.

7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

16.03.2026
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No