



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

279

**FAO-2876-2021 (O&M)
Date of decision : 18.02.2026**

Oriental Insurance Company Ltd.

..... Appellant

versus

Babli and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Kamal Sharma, Advocate for
Mr. Chander Shekhar Sharma, Advocate
for respondents No.1 to 5.

PANKAJ JAIN, J. (Oral)

CM-12268-CII-2021

This is an application for condonation of delay of 174 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed. Delay of 174 days in filing the appeal stands condoned.

CM-14026-CII-2021

This is an application under Order XLI Rule 27 CPC for
leading additional evidence.

Keeping in view that the applicant seeks to place on record
award passed by MACT and the passing thereof is not disputed by the
counsel for the non-applicant and for the fact that the same is
subsequent to the institution of the claim petition under Employees'
Compensation Act 1923, the application is allowed. Award is allowed to



be admitted in evidence as Ex.A-1.

Main case

1. Counsel for the appellant has drawn attention of this Court to para No.2 of the order dated 09.07.2019 passed by Commissioner to submit that respondent No.6 was proceeded ex-parte before the Commissioner. Relying upon the Order XLI Rule 14(4), the service on respondent No.6 is dispensed with at this stage.

2. Counsel for the applicant-insurance company relies upon the award to submit that once the same set of claimants have availed compensation under Section 166 of the Motor Vehicles Act 1988, the award of compensation under Workmen Compensation Act, 1923 would be barred as per the mandate of Section 167 of 1988 Act.

3. Counsel for the respondents is not in a position to dispute that the claimants have availed their remedy under 1988 Act qua same accident and have been granted compensation on account of death of Malkiat Singh.

4. In view of above, the present appeal is allowed. The order dated 09.07.2019 passed by the Commissioner is hereby set aside.

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

(PANKAJ JAIN)
JUDGE

18.02.2026

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Whether speaking/reasoned : Yes

Whether Reportable : No