



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

(109)

CR-3157-2026 (O&M)

Date of Decision:-10.04.2026

UNITED INDIA INSURANCE COMPANY LIMITED

... Petitioner

Versus

ASHA DEVI AND OTHERS

... Respondents

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Maninder Arora, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. By way of the present petition filed under Article 227 of the Constitution of India, the petitioner has assailed the order dated 25.11.2025 (Annexure P-1), whereby the application moved by the petitioner for deletion of its name from the array of parties has been dismissed.

2. Briefly stated, a claim petition under the Employees' Compensation Act, 1923 has been instituted at Gurugram on account of the death of one Madan Sah. It has been pleaded that respondent No.1, namely Jitendra Sharma, was the owner of pickup vehicle bearing registration No. HR-73B-0877 and the employer of the deceased, who was allegedly working as a loader/unloader with him on the date of the accident. The said vehicle was insured with respondent No.2 (petitioner herein).

3. It is further the case that the vehicle developed a fault, whereupon the driver sought assistance from the deceased, who was proceeding towards his village Mujesar. When the deceased, along with the help of another person, succeeded in starting the vehicle, he was suddenly hit by an unknown vehicle, resulting in his death. Consequently, the claim petition has been filed seeking compensation from the employer as well as the insurer. During the pendency of



the claim petition, the petitioner filed an application seeking deletion of its name from the array of respondents on the ground that the deceased was allegedly shown as a loader, whereas, as per the premium paid, the insurance coverage was restricted only to the driver. It was thus contended that no liability to indemnify respondent No.1 arises in respect of the death of the deceased. The said application was contested and came to be dismissed vide the impugned order.

4. Aggrieved by the order so passed, the present civil revision petition has been filed.

5. Learned counsel for the petitioner has contended that the impugned order suffers from material illegality and irregularity, inasmuch as the learned Commissioner has failed to appreciate that the deceased was not a regular employee of respondent No.1, but was merely a casual worker engaged for a particular task on payment of Rs.600/-, as reflected in para No.2 of the claim petition. It is thus argued that, in such circumstances, the petitioner-Insurance Company cannot be fastened with any liability to compensate the legal heirs of the deceased. It has further been submitted that the insurance policy reflects payment of an additional premium of Rs.50/- towards driver coverage and IMT-28 (legal liability), and the learned Commissioner has erroneously concluded that such coverage extends to a driver, conductor or cleaner employed in connection with the insured vehicle.

6. I have heard learned counsel for the petitioner and perused the record.

7. Considering all the facts and circumstances, it is not a fit case where jurisdiction vested in this Court under Article 227 of the Constitution of India is required to be exercised at this stage as liability of the Insurance Company is



required to be adjudicated at the stage of final disposal of the claim petition.
Insurance Company is entitled to raise all legal pleas available to the company.

8. Accordingly, the present petition stands dismissed.
9. As a natural corollary, since the main cases stand dismissed, all miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them.

10th April, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No