



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

125

CR-3538-2026

Date of decision:12.05.2026

UNITED INDIA INSURANCE CO. LTD.
VERSUS

...PETITIONER

JASPREET KAUR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Harsh Aggarwal, Advocate
for petitioner-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present Civil Revision Petition has been filed under Article 227 of the Constitution of India by petitioner-Insurance Company, for quashing of order dated 07.04.2026 passed by learned Employee Compensation Commissioner-cum-ALC, Bathinda, whereby application under Order I Rule 10 read with Section 151 of Code of Civil Procedure, 1908 ('CPC') preferred by petitioner-Insurance Company to implead Employees' State Insurance Corporation ('ESIC') as a necessary party for proper adjudication of claim preferred by respondents-claimants was dismissed.

2. Respondents-claimants are parents of deceased-Lakhveer Singh, who had died in fire, which broke on 17.09.2024 in the premises of respondent No.3. The claimants have sought compensation on account of death of their son. The employer admitted material facts stated by respondents-claimants, however, petitioner-Insurance Company-Insurance Company had denied the same.

3. During pendency of said claim petition, an application was preferred by petitioner-Insurance Company to implead Employees' State

Insurance Corporation ('ESIC') as a necessary party for proper adjudication of claim petition preferred by respondents-claimants, which was dismissed vide order dated 07.04.2026. The main ground taken by petitioner-Insurance Company before learned Commissioner is that the employee (deceased) was covered under the provisions of Employees' State Insurance Act, 1948 (hereinafter referred to as 'ESI Act') and therefore no claim petition could have been filed in view of provisions of Sections 53 and 61 of ESI Act. It was also asserted that once there is a bar and employee is governed by ESI Act, the ESIC is necessary party to verify these facts.

4. The learned Commissioner however concluded that mere possibility of applicability of ESI Act does not make ESIC a necessary party and since the matter is at final stages, such an application at belated stage is only an attempt to delay the proceeding and decision of the case. It was also concluded that since claimant is *dominus litus*, the party sought to be impleaded is neither necessary nor justified for impleadment.

5. On consideration, I do not find any error in the conclusion drawn by learned Commissioner. It is the matter of evidence as to whether deceased employee was covered by provisions of ESI Act or not. In present case, from the facts noted above, it is clearly made out that issue is not that ESIC is a necessary party or not but issue is whether deceased was governed by ESI Act or not. This fact could only be proved by petitioner-Insurance Company by adducing proper evidence to show that deceased was governed by ESI Act. Therefore, in the facts and circumstances of the present case, ESIC is not a necessary party. Hence, the conclusion drawn by learned Commissioner cannot be faulted with. petitioner-Insurance Company,

however, shall be free to raise all legal issues on the basis of evidence before the learned Commissioner to defend the claim preferred by respondents-claimants.

6. In view of above, present revision petition is dismissed. The observations made above are restricted only for the purpose of deciding present petition.

7. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

12.05.2026
Sunil Chander

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>