



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

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FAO-2744-2024 (O&M)

Date of decision : 06.05.2026

M/s. Vikas Trading Company**..... Appellant****versus****Laxmi Devi and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Abhinav Sood, Advocate
for the appellant.

Mr. Punit Jain, Advocate
for respondent No.6-Insurance company.

PANKAJ JAIN, J. (Oral)

1. Employer is in appeal aggrieved of the order dated 18.12.2023 passed by the Commissioner under the Employees' Compensation Act, 1923.

2. Claim petition was filed seeking compensation on account of death of one Bhoj Pal, who was employed by the appellant as a Palledar on wages of Rs.500/- per day along with other allowances. As per the claimants, deceased suffered an accident during the course of employment while loading and unloading doors manufactured/traded by the employee. He was admitted to General Hospital, Ballabhgarh. Thereafter, he was taken to a Nursing Home at Sector 8, Faridabad, from where he was referred to AIIMS, Delhi. The deceased succumbed to his injuries on 06.05.2018. FIR bearing No.1320 dated 31.10.2017 was registered for offences punishable under Section 337, 304-A IPC against the employer.

3. Respondents before the commissioner disputed the employer-employee relationship. As per present appellant who was



arraigned as respondent No.1 before the Commissioner, Bhoj Pal was a paralysed person and was a rickshaw puller in the area. He was never employed with the appellant. Only on humanitarian grounds, when the doors fell on him, he was arranged first aid and was taken to the hospital.

4. On the basis of the pleadings, Commissioner framed the following issues:-

“(i) Whether the claim application is maintainable in the present Forum.

(ii) Whether the court has no jurisdiction to entertain the present claim application.

(iii) Whether the applicants are entitled to the claimed amount if so to what effect and

(iv) Relief.”

5. After analyzing evidence on record, the claim petition was allowed awarding the claimants a compensation of Rs.6,52,280/- along with interest @ 9% per annum.

6. Learned counsel for the appellant has assailed the order passed by the Commissioner. His attack is on the findings recorded on issue No.1 with respect to the issue of employment. He relies upon judgment passed by Trial Court in the criminal trial arising out of FIR No.1320 dated 31.10.2017. He submits that the author of FIR namely, Rattan Singh appeared as PW-1. His testimony was discarded by the Criminal Court on the ground that the same was merely a hearsay evidence. Once the author has been disbelieved by the Trial Court, Commissioner ought not have relied upon the registration of FIR to answer issue of employment against the appellant.



7. Having heard counsel for the parties and after carefully perusing the record of the case, this Court finds that the argument raised by Mr. Sood sans merit and cannot be accepted. It has come on record that an FIR dated 31.12.2017 was registered against the present appellant for offences punishable under Section 304-A and 337 IPC pertaining to the accident in question. After investigation, report under Section 173 Cr.P.C. was presented. The present appellant was tried for the offences. Though testimony of the author, i.e. PW1 Ratan Singh was discarded by the Court in the criminal trial, but this fact does not aid the case of the appellant. There is a difference between standard of proof in the criminal trial vis-a-vis the civil proceedings. In a criminal trial, the standard of proof is beyond reasonable doubt, whereas in civil proceedings, the standard of proof is preponderance of probabilities. The fact that the deceased died in an accident wherein he suffered injuries after PVC doors fell upon him at the premises of appellant, has been rightly appreciated by the Commissioner to record pure finding of fact that there was employer-employee relationship between the deceased and the appellant.

8. In view of above, this Court finds no substantial question of law is involved in the present appeal, which is *sine qua non* to maintain an appeal under Section 30 of the 1923 Act.

9. Consequently, the present appeal is dismissed.

10. Pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

06.05.2026

Whether speaking/reasoned :	Yes
Whether Reportable :	No