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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 134/2019, CM APPLs. 14449/2019, 45519/2022, 15388/2024**
THE NATIONAL INSURANCE CO LTDAppellant
Through: Mr. Himanshu Bhushan, Advocate.

versus

SAMEENA KHATOON & ORSRespondents
Through: Mr. Dheeraj K. Nayal, Advocate for
respondent no.6.
Mr. Vivek Kumar and Mr. Kumar
Divyanshu, Advocates for respondent
nos. 1 to 5.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
02.04.2026

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1. By way of the present appeal, the appellant seeks to assail the order dated 23.01.2019, passed by the learned Employees Compensation Commissioner, under the Employee's Compensation Act, Government of NCT of *Delhi*, South-West District, New *Delhi*, in claim application No. EAR(D)-5/SWD/2018.
2. Briefly stated, the claim petition came to be filed relating to a death compensation, on account of the demise of *Sh. Mohd. Khurshid Alam*, who sustained fatal injuries in a motor accident dated 14.06.2017, while driving a taxi in the course of his employment. He succumbed to the said injuries on 18.06.2017 during his treatment.
3. A perusal of the impugned order would show that not even a single fact of the case has been discussed therein. Further, the compensation has



been awarded without framing of any issues, or even recording any finding on the aspect of Employer-Employee relationship.

4. Learned counsel appearing for the appellant, while drawing the attention of the Court to the order dated 29.03.2019 passed by the Predecessor Bench, submits that while staying the impugned order, the Court took note of the said facts. He further contends that no opportunity was granted to the appellant to contest on the said issues, and, that even no evidence was led. The impugned order reads as under:-

“The Respondent No.2 (National Insurance Co. Ltd.) has submitted that they have received all the documents as required as per the terms & conditions of Policy except transaction of wages if so paid to the deceased employee who was on duty at the time of accident, with the establishment.

Respondent No. 1 has agreed to furnish all the documents as asked by Respondent No.2, within 07 days in their office and the acknowledgement would be filed thereafter in this Court.

Sh. B.S. Yadav, Asstt. (Respondent No. 2) has submitted that it takes about 15 days to process the claim application. After satisfying with the procedure and process, the Respondent No.2 shall deposit the compensation amount on the next date of hearing considering the age as per the Date of Birth mentioned in Driving Licence as 31.01.1967, (50 years), therefore, the factor is 153.09.

As per the provision of Section 4 (Schedule IV), the amount calculated as under:

153.09x4000 [50% of Rs.8000 as maximum wages under E. C. Act]

“Rs.6,12,360/-

The Respondent No. 2 is directed to make the payment of compensation amount of Rs.6,12,360/- alongwith interest



(d,12% p.a. w.e.f. 14.07.2017 till the date of depositing the amount.

The Respondent No. 2 is further directed that as soon as they receive the information in respect of such fatal accident they should depute a responsible officer to collect all the information of the insured as per the terms & conditions of Policy without waiting for any such order from this Court as it is not only delay in making the payment of compensation to the dependents of the deceased workman but it also causes expenditure to Respondent No. 2 (National Insurance Co. Ltd.) in this case.

In case there is any delay due to satisfying of Auditors due to certain objection if so raised by them for not depositing the compensation amount in the fatal accident cases where the insured has been assured with grant of compensation to the dependent of deceased employee, such orders/observations also be filed in this Court.

Matter is fixed for filing of compliance report after depositing of compensation amount in the name of C.E.C. and filing of status report on 25.02.2019 at 2.00 p.m. ".

5. It is thus clear that the impugned order is cryptic, and has been passed without discussing the basic facts, framing issues or recording any evidence. Accordingly, the impugned order is set aside, and the matter is remanded back for fresh consideration.
6. Considering that the claim petition pertains to an accident occurred on 14.06.2017, the learned Commissioner is directed to make an endeavour to expedite the proceedings, and dispose the same of preferably within a period of six months from today.
7. The matter be listed at the first instance before the concerned Commissioner on 23.04.2026.



8. The appeal, along with pending applications is disposed of accordingly.

MANOJ KUMAR OHRI, J

APRIL 2, 2026/rd