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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 186/2019**

JAYADA BEGUM & ANR

.....Appellants

Through: Mr. Manoj Bhandari, Mr. Rajeev Sood and Mr. Vishal Tilorira, Advocates.

versus

SHAMSHAD & ANR

.....Respondents

Through: None for respondent no.1.
Mr. A.K. Soni, Advocate respondent no.2/insurance company.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.02.2026

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1. By way of the present appeal, the appellants, who had preferred the claim application before the Commissioner under Employees Compensation Act, 1923, are aggrieved by the order dated 08.10.2018/09.10.2018, whereby the claim application seeking death compensation in respect of the death of the appellants' son was dismissed.
2. Learned counsel appearing for the appellants contends that the Commissioner erred in recording a finding that the employer-employee relationship was not proved. In this regard, he draws the Court's attention to the written statement filed by respondent no.1 before the Commissioner.
3. Ms.Soni, while appearing for respondent no.2/insurance company, however, defended the impugned order. The respondent No.1 despite service has not been represented for past many dates.
4. A perusal of record would show that the claim application was filed in the context of an accident that occurred on 13.06.2016. It was claimed that the deceased prior to the accident was employed with Respondent No.1 for



past 6 years at monthly salary of Rs.15,000/- pm. In the said accident, the deceased while travelling in the car sustained fatal injuries. Admittedly, the car involved in the accident, bearing registration number DL-5-CE-6456, was registered in the name of Respondent No.1 and insured with respondent no.2 under a valid and subsisting policy. The accident was also reported to the local police and a complaint was registered vide DD Entry dated 13.06.2016 at *Jewar* Police Station.

5. The Respondent No.1 appeared before the learned Commissioner and filed written statement wherein he admitted that the deceased was employed with him as a Driver and that the injuries were suffered when the tyre suddenly burst.

6. Given that the factum of employment of deceased as Driver with respondent no.1 is admitted by respondent no.1, the death having occurred out of and during the course of employment, and since the car involved was owned by Respondent No.1 and insured with respondent no.2, the Commissioner erred in dismissing the appellants' claim application.

7. In view of the aforesaid, the matter is remanded back to the Commissioner to assess and award the compensation within a period of four weeks from today. For the said purpose, the matter be listed before the Commissioner at the first instance on 13.02.2026.

8. The appeal stands disposed of in above terms.

MANOJ KUMAR OHRI, J

FEBRUARY 6, 2026/rd