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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 89/2026 & CM APPLs.18231-34/2026

UNITED INDIA INSURANCE COMPANY LIMITEDAppellant

**Through: Mr.Animesh Sinha and Mr.Shivang
Singhal, Advocates**

versus

KAMLESH ALIAS KAMLESH KUMAR & ANR.Respondents

**Through: Mr.R.K. Nain, Mr.Daksh Nain,
Mr.Chandan Prajapati, Advocates for
respondent No.1**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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01.04.2026

CM Appl.18232/2026

1. Allowed, subject to all just exceptions.
2. The present application is disposed of.

CM Appls.18233-34/2026

1. These applications have been filed on behalf of the appellant seeking condonation of delay. There is a delay of 44 days in filing and 50 days in re-filing the appeal.
2. Learned counsel for the respondent/non-applicant submits that he has no objection if the delay is condoned.
3. In view thereof, and for the reasons stated in the applications, the delay in filing and re-filing the appeal is condoned.
4. The applications are disposed of.

FAO 89/2026 & CM Appl.18231/2026

1. The appellant has preferred the present appeal under Section 30 of the Employees' Compensation Act, 1923 [hereafter referred to as the 'EC Act'], impugning the order dated 10.09.2025, whereby the claim application filed



by respondent no.1 was allowed.

2. Notably, the claim application was filed in the context of an accident dated 24.04.2024, wherein one *Shekhar* [hereafter referred to as the ‘deceased’], who was employed as a Cleaner on a truck bearing no.HR-38W-3798, suffered a fatal injuries in an accident arising out of and in the course of his employment. On the said date, the aforesaid truck while on a business trip from Haryana to Nepal met with the accident within the jurisdiction of Police Station - *Kolhui, District - Maharajganj (Uttar Pradesh)*. The injured was taken to the nearby Primary Health Centre, *Lotan (Siddhart Nagar)* ,where he was further referred to the District Hospital, *Siddharth Nagar*. Upon reaching, he was declared “bought dead”. In this context, an FIR was also registered at PS- *Kolhui, District - Maharajganj, Uttar Pradesh* , vide GD No.032 on 25.04.2024. The truck in question was owned by respondent no.2 and was insured with the present appellant under a valid and subsisting policy for the period 03.03.2024 to 02.03.2025. The insurance company had also charged extra premium under the EC Act. It was further claimed that at the time of his death, the deceased was drawing wages @ Rs16,000/- per month plus Rs.200/- per day as food allowance.

3. In the proceedings before the learned Commissioner, the employer appeared and filed its written statement, wherein the factum of employment of the deceased as Cleaner on the said truck was admitted. It was further admitted that while being on business trip from *Haryana to Nepal*, the truck in question met with an accident in which the deceased suffered fatal injuries.

4. Learned counsel for the appellant in the present proceedings confines the challenge only to the issue that the driver of the truck did not possess a



valid driving licence, and that the same was not produced on record before the learned Commissioner.

5. Learned counsel for claimant, on the other hand, while opposing the appeal, submitted that the insurance company had settled the 'own damage' claim only after verification of the relevant documents, including the driving license of the driver.

6. Learned counsel for the appellant has not disputed the position that while approving the own damage claim, the factum of driving license is always verified. He, however, reiterates his submission that the same ought to have been produced in the claim proceedings.

7. Pertinently, the claim application was filed in the context of the death of one *Shekhar*, who was employed as a Cleaner. It is not the case in the claim application that he was driving the said vehicle. Insofar as the issue of the driving license of the driver is concerned, this Court notes that the text note of the admission that at the time of payment of OD claim, the relevant facts, including the driving license, has already been verified. In this regard, at the time of the cross-examination of the Administrative Officer of the appellant, the relevant suggestion was also put to her.

Even otherwise, the deceased was admittedly employed as a Cleaner and was not driving the offending vehicle. The liability under the EC Act arises on account of the relationship of employer and employee and the injuries in an accident arising out of and in the course of his employment. The alleged non-production of the driving licence of the driver does not, in the facts of the present case, absolve the employer or the insurer of liability towards the employee. Even otherwise, the own damage claim was paid by the appellant to the employer after verification of the driving license.



8. In view of the limited scope of interference under Section 30 of the EC Act, as well as, in view of the above observations, the appeal is meritless and the same is rejected. Under the scheme of the EC Act, the Commissioner is the last authority on facts. Being a welfare legislation, the Parliament thought it fit to restrict appeal only to a substantial question of law (CR: Golla Rajanna & Ors. Vs. Divisional Manager & Anr.¹).

9. The compensation amount, if not already paid, be released to the claimants forthwith.

10. The pending application, if any, shall also stand disposed of.

MANOJ KUMAR OHRI, J

APRIL 1, 2026/pmc

¹ (2017) 1 SCC 45