HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2947 of 2012

United India Insurance Co. Ltd.

.....Appellant(s)

Versus

Smt. Pooja Devi And Others

.....Respondent(s)

Counsel for Appellant(s)	:	Vipul Kumar
Counsel for Respondent(s)	:	Dinesh Kumar

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Heard Sri Vipul Kumar, learned counsel for appellant and Sri Dinesh Kumar, learned counsel for respondents.

2. The appellant has challenged the judgment dated 28.05.2012 passed by the Commissioner/Deputy Labour Commissioner, Agra Region, Agra under the Employees' Compensation Act, 1923, in Workmen Compensation Case No. 161 of 2011, Smt. Pooja Devi and Others vs. Shri Bahadur Singh and Another, whereby compensation of Rs. 5,83,199/- has been awarded in favour of the respondent-claimants.

3. Learned counsel for the appellant submitted that the learned Commissioner has erred on two counts. Firstly, the offending taxi was being plied in violation of the terms of the insurance policy. The vehicle was registered as a private vehicle but was being used for carrying passengers. Therefore, fastening liability upon the insurance company is unsustainable. Secondly, the owner of the offending vehicle did not appear despite service of summons. Consequently, there was no evidence to establish the relationship of employer and employee between the owner of the offending vehicle and the respondent-claimant. The claim that the respondent-claimant was employed as a driver by the owner of the offending vehicle, therefore, remained unproved. On these grounds, learned counsel submitted that the appeal is liable to be allowed and the impugned award is liable to be set aside.

4. Per contra, learned counsel for the respondent-claimants submitted that the findings recorded by the learned Commissioner do not suffer from any

infirmity. The learned Commissioner has examined each issue in detail and has recorded findings on the basis of the evidence available on record. Therefore, the appeal is liable to be dismissed.

5. Heard learned counsel for the parties and perused the findings recorded by the learned Commissioner.

6. This Court finds that an appeal under Section 30 of the Employees' Compensation Act, 1923, is maintainable only on a substantial question of law arising from the impugned order. The grounds raised by the appellant primarily relate to the appreciation of evidence and the factual findings recorded by the learned Commissioner regarding the use of the offending vehicle and the relationship between the employer and the employee. In the absence of any substantial question of law arising from the impugned award, the findings recorded by the learned Commissioner cannot be interfered with in an appeal under Section 30 of the Act.

7. Consequently, the appeal is dismissed. The impugned judgment and award dated 28.05.2012 are hereby affirmed.

October 23, 2026
Ujjawal

(Anil Kumar-X,J.)

Digitally signed by :-
UJJAWAL
High Court of Judicature at Allahabad