

FAO-2482-1999 (O&M)

2025:PHHC:035586



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2482-1999 (O&M)

Date of decision : 11.02.2025

Baljinder Kaur & ors.

..... Appellants

versus

Jagdish Lal & anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vivek Suri, Advocate
Mr. Dushyant Godara, Advocate and
Mr. Darpan Bansal, Advocate
for the appellants.

Mr. Arpandeeep Narula, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

CM-13759-CII-1999

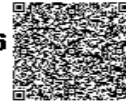
This is an application seeking condonation of delay of 7 days in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 7 days in filing the appeal is condoned.

Main case

1 Claimants are in appeal aggrieved of order dated 28.04.1999 passed by Assistant Labour Commissioner & Commissioner for Workmen's



Compensation, Patiala Camp at Gobindgarh exercising powers as Commissioner under the Workmen's Compensation Act, 1923.

2 Claimants claimed that Gurmukh Singh S/o Bhagwant Singh was employed as Cleaner with respondent No.1 on his truck bearing registration No.PAN 5351. On 28.05.1994 during the course of his employment Gurmukh Singh while removing tarfauln from the said truck came in contact with electric live wires and died of Electrocutation. It was claimed by the claimants that since Gurmukh Singh died in an accident during and in course of employment, the claimants are entitled for compensation on account of his death. Respondent No.1 was proceeded ex-parte. The claim was contested by respondent No.2 who denied that the deceased was employed with respondent No.1. It was further claimed that the truck was not owned by respondent No.1 at the time of accident and was not having valid road permit. On the basis of the pleadings following issues were framed :-

“1 Whether late Gurmukh Singh while in the course of his employment with Respondent No.1 met with an accident 28.05.1994? OPA

2. Whether the claimants were legally dependent upon the earnings of the deceased workman? OPA

3. Whether the claimants are entitled to compensation? if yes, how much and from whom? OPA

4. Relief if any.”

3 While returning finding on the issues, Commissioner held that from the statement of claimant No.1-R/5, it is evident that respondent No.1 sold truck to one Jaspal Singh. On the date of accident thus respondent No.1 Jagdish Lal was not the owner of the truck. Rather, the same was owned by



Jaspal Singh. His statement has also been produced on record along with the investigation report. Thus there being no master servant relationship between the deceased Gurmukh Singh and respondent No.1 and the actual owner of the truck having not been impleaded as party, the claim petition deserves to be dismissed.

4 Counsel for the appellants has not been able to point out any evidence on record to prove that respondent No.1 was owner of the truck as claimed by the claimants. There is no evidence on record to prove master servant relationship between deceased and respondent No.1. In the light of the aforesaid circumstances, even the fact that the deceased died while working on truck bearing registration No.PAN 5351 does not lead to an inference that the deceased was employee of respondent No.1. The vital link in the chain to establish relationship between the vehicle and respondent No.1 being missing, no finding can be recorded in favour of the claimants.

5 In view of above, this Court finds that the Commissioner has rightly dismissed the claim filed by the claimants.

6 Finding no merits in the present appeal, the same is ordered to be dismissed.

7 Pending miscellaneous application, if any, also stands disposed off.

11.02.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No