

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

138

**FAO-5153-2025 (O&M)
Date of decision : 23.09.2025**

The Oriental Insurance Co. Ltd.**..... Appellant**

versus

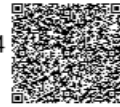
Jaswant Singh and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Shashi Kumar Yadav, Advocate and
Mr. Ankit Kumar Sangwan, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the order dated 15.07.2025 passed by Commissioner under Employee's Compensation Act, 1923 awarding compensation of Rs.8,85,480/- along with statutory interest in favour of the claimants on account of death of deceased Parwinder Singh, who died at the age of 22 years on 03.08.2016. As per claimants, the deceased was employed as a driver on combine No. PB-04G-5984 under respondent No.1. On 03.08.2016, Parwinder Singh who was on instructions of respondent No. 1, working on the combine met with an accident and lost his life. It has been claimed by the claimants that Parwinder Singh died in an accident out of and during the course of his employment.

2. Respondent No.1-employer filed reply admitting employment of deceased. Respondent No. 1 claimed that deceased was well trained in welding job. The vehicle was fully insured. It is the insurance company, i.e. the insurer of vehicle, which is liable to pay compensation.



3. The appellant-insurance company contested its liability. It was admitted that the vehicle was insured. Employment of the deceased with respondent No.1 was disputed. It was claimed that deceased was not a skilled welder. He died while welding a part of the combine and thus, cannot be said to have died in an accident arising out of and during the course of employment.

4. Commissioner framed the following issues:-

“I. Whether the present claim application is not maintainable under the Provisions of Employee's Compensation Act, 1923 in view of the preliminary objections raised by the respondent No.2 ? OPR

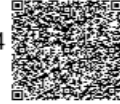
II. Whether Deceased Parwinder Singh died on 03-08-2016 during and in the course of his employment while working with the respondent No. 1? OPA

III. Whether the applicants are entitled to receive compensation, if yes with what details and from whom? OPA

IV. Relief, if any.”

5. The issue stands answered by the Commissioner in favour of the claimants, holding them entitled for compensation.

6. Appellant-insurance company has assailed the findings recorded by the Commissioner. Counsel for the appellant contends that admittedly, the deceased was employed as a driver on the combine vehicle. Welding a part of combine is not part of his duties as a driver. The insurance policy provides to indemnify and compensate loss of life of the driver, but does not include accidents, which are out of the purview of his duties. Welding a part of the combine being out of the sphere of his employment, the insurance company cannot be held liable to indemnify the employer.



7. I have heard counsel for the appellant and have carefully perused the records of the case.

8. Counsel for the appellant is right in contending that the deceased being employed as driver, had no duty to be present in the workshop of Prem Singh. He, however, is not in a position to dispute that the deceased lost life while part of the combine vehicle on which the deceased was employed was being repaired. Welding was part of repair job. It was during the repair that a mishap occurred leading to loss of life of the deceased Parwinder Singh.

9. In the considered opinion of this Court, a driver employed on a vehicle is not merely employed for driving the same. Driver is also responsible to care for wear and tear of the vehicle. It has come on record that the mishap occurred while the vehicle was being repaired. Accordingly, it cannot be said that the deceased was out of the sphere of his employment when he accidentally lost his life.

10. In view of above, this Court finds no reason to interfere in the pure finding of fact recorded by the Commissioner on issue No.2.

11. No other issue has been raised.

12. Finding no question of law involved in the present appeal, this Court finds no reason to interfere in a well reasoned order passed by the Commissioner. The appeal is accordingly dismissed.

13. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

23.09.2025

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No