

2025:PHHC:127041



[224] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-4254-2015 (O&M)  
Date of Decision : 15.09.2025

The Oriental Insurance Company Limited ...Appellant

**Versus**

Kailashi Devi and others ...Respondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sahej Mahajan, Advocate for Mr. R.K. Bashambo,  
Advocate for the appellant.

Mr. Sanjeev Goyal, Advocate for respondent Nos.1 to 3.  
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**PANKAJ JAIN, J. (ORAL)**

[1] The Insurance Company is in appeal, aggrieved of order dated 18.11.2014 passed by the Commissioner, Under the Employees Compensation Act, 1923, Rewari, whereby claim petition filed by the respondents-claimants seeking compensation on account of death of Vishram Singh, who died in an accident arising out of and during the course of employment at the age of 30 years while working as Helper, has been allowed, holding them entitled to compensation of Rs.4,05,561/-.

[2] Learned counsel for the appellant-Insurance Company has raised plea with respect to refusal of claimant-Kailashi Devi to sign the statement while appearing in the witness box as AW-1. He asserts that since she refused to answer question during cross-examination and to sign her testimony, the same cannot be considered. The claim application deserves to be dismissed.



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[3] I have heard counsel for the appellant and have perused the records of the case.

[4] Argument raised by learned counsel for the appellant is based upon the following observations recorded in her testimony dated 11.08.2011:-

*“At this stage, petitioner refused to answer the question of counsel for respondent and also refused to sign and went away from the Court Room.”*

[5] From the testimony of AW-1/Kailashi Devi, this Court finds that she has successfully withstood the test of cross-examination. It seems that a question was put to her by the learned counsel representing the Insurance Company, she refused and it is on account of that she refused to sign her testimony even though the same was attested and signed by her counsel.

[6] AW-1/Kailashi Devi is a rustic villager, who lost her husband in an accident. It is not denied that she appeared and was cross examined. Her refusal to answer the question while being cross examined may be an offence and could be a ground to draw adverse inference. It cannot have an effect of throwing out her entire testimony out of the realm of consideration.

[7] So far as the merits of the matter are concerned, there is no dispute with respect to employer-employee relationship. The death of the deceased in an accident arising out of and during the course of employment stands proved.



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[8] In view thereof, finding no merits in the present appeal, the same is ordered to be dismissed.

[9] All pending miscellaneous application(s), if any, stands *disposed off*.

**(PANKAJ JAIN)**  
**JUDGE**

15.09.2025

'R. Sharma'

*Whether speaking/ reasoned* : Yes/No  
*Whether reportable* : Yes/No