



FAO-623-2025(O&M)

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

FAO-623-2025(O&M)
Date of Decision : 24.02.2025

Oriental Insurance Company Limited ...Appellant

versus

Neeru and othersRespondents

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

Present: Mr. Akashdeep Singh, Advocate
for the appellant.

PANKAJ JAIN, J. (ORAL)

[1] Challenge is to the order dated 07.10.2024 passed by the Commissioner under the Employee's Compensation Act, Circle-I, Yamuna Nagar.

[2] Claimants filed claim application seeking compensation on account of death of Jagjit Singh, who was working as a Truck Driver on a truck owned by respondent No.1 for monthly salary of Rs.15,000/-. It was claimed by the claimants that Jagjit Singh died in an accident during the course of employment on 21.12.2019. The employer-respondent No.1 appeared and admitted employer-employee relationship. However, claimed that during the service period, deceased-Jagjit Singh took an advance of Rs.90,000/- from him and approximately Rs.1,00,000/- was spent by him on the treatment of deceased-Jagjit Singh. Truck was insured. Respondent No.2 contested the claim on merits.



[3] On the basis of the pleadings, the following issues were framed:-

- “1. *Whether Sh. Jagjit Singh since deceased was the employee of respondents at the time of the accident as alleged? OPA*
2. *Whether applicants are entitled to the amount claimed, if so with what detail? OPA*
3. *Whether the claim petition is not maintainable under the provisions of Employee Compensation Act as alleged in the preliminary objection? OPR*
4. *Relief. ”*

[4] Answering Issue Nos.1 to 3 in favour of the claimants, learned Tribunal allowed the claim petition, awarding compensation of Rs.9,99,544/-.

[5] Mr. Singh, counsel for the appellant-Insurance Company while assailing the impugned award passed by the Commissioner has submitted that respondent No.1 having not appeared in the witness box, the appellant never got any opportunity to cross-examine him and thus, the issue of the employer-employee relationship between deceased and respondent No.1 ought not have been answered in favour of the claimants.

[6] I have heard counsel for the appellant and have carefully gone through the records of the case.

[7] Death of deceased-Jagjit Singh in an accident involving truck owned by respondent No.1 stands proved. As per the contents of the FIR, which was proved on record as Exhibit P-1, it was the deceased, who was driving the truck. In terms of Section 2 (dd) of 1923 Act, employer-employee relationship can be oral or written, expressed or implied.



[8] In the considered opinion of this Court, the oral testimony of PW-1 with respect to deceased being employee of respondent No.1 stands corroborated by the contents of the FIR and admissions made in written statement filed by respondent No.1. In case, respondent No.2-Insurance Company had an issue with respect to the relationship, it was open for the Insurance Company to examine respondent No.1, the insured with whom they had contract of insurance.

[9] Counsel for the appellant-Insurance Company very fairly admits that no such effort was made. In view thereof, the evidence adduced by the claimants remained unrepresented and thus, no fault can be found with the findings recorded by the Commissioner.

[10] Keeping in view pure findings of facts recorded by the Commissioner, this Court finds that there is no substantial question of law which is *sin-qua-non* to maintain the appeal under Section 30 of the 1923 Act. Resultantly, the instant appeal is **dismissed**.

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

(PANKAJ JAIN)
JUDGE

24.02.2025

'R. Sharma'

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