

(2013) 02 RAJ CK 0188

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 1675 of 2010

ICICI Lombard General insurance Co.

APPELLANT

Vs

Maliram and Others

RESPONDENT

Date of Decision : 01-02-2013

Acts Referred:

Citation : (2013) 02 RAJ CK 0188

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Advocate : Virendra Agarwal, for the Appellant; Ram Singh Rathore, for the Respondent

Final Decision : Dismissed

Judgement

Mahesh Chandra Sharma, J.—This appeal has been filed against the judgment and award passed by workmen Compensation Commissioner. The facts of the case are not being repeated here in this appeal as the same have been quoted in the judgment and award passed by the learned Commissioner, except wherever necessary.

2. After hearing both the sides, the learned Commissioner decreed an amount of Rs. 1,99,661/- as compensation in favour of claimant and against the non claimants.

3. The Insurance Co. has filed the aforesaid appeal challenging the quantum of compensation.

4. Learned counsel for the Insurance Co. has contended that there was no document whatsoever produced by the claimant to show the existence of relationship of employer and workman between the respondent no. 2 and the claimant or that he sustained injuries during the course of employment, as such the provisions of the Act of Workmen Compensation Act, 1923 are not attracted and the impugned award being without jurisdiction is liable to be quashed.

5. E. Converso, the learned counsel for the claimant defended the impugned award and stated the same to be just and apposite.

6. I have heard learned counsel for the parties and carefully perused the impugned award including the relevant material on record. In my considered view, the learned Commissioner having dealt with each and every aspect of the matter and on the basis of material available on record, rightly held that the relationship of workmen and employer was clearly established and he died during the course of employment. The amount of compensation, as awarded by the learned Commissioner is just and proper. The impugned award passed by the learned Commissioner is found not to have suffered from any legal flaw, rather it is found to be apposite, based on cogent finding, with which I fully concur.

7. For the reasons stated, I do not find any ground to interfere in the impugned award passed by the learned Commissioner and the appeal filed by the Insurance Co. being bereft of any merit deserves to be dismissed, which stands dismissed accordingly. Application under Order 5 Rule 20 read with Section 151 CPC also stands disposed of accordingly.