

**(2013) 01 RAJ CK 0269**

**In the Rajasthan High Court**

**Case No :** Civil Miscellaneous Appeal No. 4528 of 2009 and Civil Miscellaneous Stay Application No. 2816 of 2009

ICICI Lombard General Insurance Co. Ltd.

APPELLANT

Vs

Devendra Singh and Others

RESPONDENT

---

**Date of Decision :** 23-01-2013

**Acts Referred:**

**Citation :** (2013) 01 RAJ CK 0269

**Hon'ble Judges :** Mahesh Chandra Sharma, J

**Bench :** Single Bench

**Advocate :** Virendra Agarwal, for the Appellant;

**Final Decision :** Dismissed

---

## **Judgement**

Mahesh Chandra Sharma, J.—This appeal has been filed against the judgment and award passed by Commissioner, Workmen Compensation Act. Brief facts of the case are that on 2.7.2007 when the claimant was working as driver of truck No. RJ-14-GA-9449. Suddenly cow came in front of the vehicle and hence the vehicle over-turned and hence, he sustained injuries during the course of employment.

2. Thereafter claim petition was filed, notices were issued, issues were framed, evidence was recorded and after hearing both the sides, the learned Commissioner decreed an amount of Rs. 3,10,003/- 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 the learned Commissioner committed further error in deciding issue no. 1 against the appellant as there was no documentary evidence on record to establish that he was ever given employment by the respondent no. 2 or he sustained injuries during course of employment and hence, the impugned award being without

jurisdiction, is liable to be quashed.

5. I have heard learned counsel for the appellant and carefully perused the impugned award including the relevant material on record. The learned Commissioner in its award has categorically observed that in the written statement filed by respondent no. 1, he admitted that on 2.7.2007 at the time of accident, Devendra Singh was working with him as a driver. The learned Commissioner while passing the impugned award has discussed each and every aspect of the matter elaborately. The impugned award is found not to have suffered from any legal flaw, rather it is found to be just and apposite, based on cogent finding, with which I fully concur.

6. For the reasons stated above, 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. Stay application also stands dismissed.