

(2017) 09 DEL CK 0293

In the Delhi High Court

Case No : First Appeal From Order No. 158 Of 2017, Civil Miscellaneous
Application No. 13710 Of 2017

M/S Delhi Chartered Accountants Co Operative Group
Housing Society Ltd Thr Its President & Secretary

APPELLANT

Vs

Roopa Devi

RESPONDENT

Date of Decision : 19-09-2017

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 174

Citation : (2017) 09 DEL CK 0293

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : Neeraj Kumar, S K Singh, Agit K Singh

Final Decision : Dismissed

Judgement

J.R. Midha, J

1. The appellant has challenged the impugned order dated 10th February, 2017 whereby compensation of Rs.6,77,760/- along with interest @ 12% per

annum and funeral charges of Rs.5,000/- have been awarded to the respondent.

2. The respondent is the widow of Late Shyambir who was working as a plumber with the appellant's CA Apartments for the last about 28 years.

On 14th February, 2012, Late Shyambir was on duty in the society complex and at about 12:00 Noon, he fell down from the building No.5A of CA

Apartments which resulted in fatal injuries. The deceased was survived by his widow, namely the respondent herein who has filed the application for

compensation before the Commissioner, Employees' Compensation which resulted in the impugned award.

3. The appellant admitted before the Commissioner, Employees' Compensation

that the deceased was employed with the appellant for the last about 28 years as a plumber and his last drawn salary was Rs.5,000/- per month. The appellant further admitted that the deceased was on duty on 14th February, 2012. The defence set up by the appellant before the Commissioner, Employeesâ?? Compensation was that the deceased committed suicide by jumping from the building and, therefore, respondent is not entitled to any compensation.

4. The Commissioner, Employeesâ?? Compensation held that the deceased met with an accident and suffered fatal injuries during the course of his employment with the appellant and, therefore, the respondent is entitled to compensation of Rs.6,77,760/- along with interest @ 12% per annum and funeral charges of Rs.5,000/-.

5. Learned counsel for the appellant urged at the time of hearing that the deceased committed suicide by jumping from the top of the building and therefore, the respondent is not entitled to compensation.

6. Vide order dated 5th July, 2017 this Court requisitioned the record of DD 29A dated 14th February, 2012, PS Paschim Vihar, New Delhi which was produced before this Court. As per Final Inquest Report under Section 174 Cr.P.C, the deceased was on duty on 14th February, 2012 and around 12:00 PM, he went to the top of building No.5A, CA Apartments, Paschim Vihar to check the pipeline and he fell down from there and was taken to Shree Balaji Action Hospital, Paschim Vihar where he was declared as brought dead.

7. No substantial question of law arises for consideration in this appeal. That apart, there is no merit in the appellantâ??s contention that the deceased committed suicide in as much as no one in the appellantâ??s society has seen the deceased jumping from the building. There is no evidence to support the contention of the appellant that the deceased committed suicide by jumping from the building. This Court is of the view that the deceased suffered/ met with the accident during the course of his employment with the appellant on 14th February, 2012.

8. The appeal is dismissed. Pending application is disposed of.

9. The appellant has deposited Rs.9,43,700/- with the Registrar General of this Court.

10. The respondent is present in the Court and has produced her passbook of her

savings bank account No.047600101021934 with the Corporation Bank, Paschim Vihar Branch, New Delhi (IFSC: CORP0000476).

11. The Registrar General is directed to release the compensation amount to the respondent by instructing UCO Bank, Delhi High Court Branch to

disburse the amount in the following manner:-

(i) Rs.8,60,000/- be kept in 100 FDRs of Rs.8,600/- each for a period of 1 month to 100 months respectively in the name of respondent with cumulative interest.

(ii) Balance amount, after deducting Rs.8,60,000/-, be released to the respondent by transferring the same to her savings bank account with the Corporation Bank, Paschim Vihar Branch, New Delhi.

12. At the time of maturity of the FDRs, the maturity amount shall be credited in the aforesaid savings bank account of the respondent with

Corporation Bank, Paschim Vihar Branch, New Delhi.

13. All the original FDRs shall be retained by UCO Bank, Delhi High Court Branch. However, the statement containing FDR number, FDR amount,

date of maturity and the maturity amount be furnished to the respondent.

14. Corporation Bank, Paschim Vihar Branch, New Delhi is directed not to issue any cheque book or debit card to claimant/respondent and if the

same have already been issued, Corporation Bank, Paschim Vihar Branch, New Delhi is directed to cancel the same. Claimant/Respondent shall

produce the copy of this order before the Corporation Bank, Paschim Vihar Branch, New Delhi whereupon Corporation Bank shall make an

endorsement on the passbook that no debit card or cheque book shall be issued to claimant/respondent without the permission of this Court.

15. The Corporation Bank, Paschim Vihar Branch, New Delhi shall permit the respondent to withdraw the money from her savings bank account by

means of a withdrawal form.

16. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

17. The claimant/respondent shall approach the UCO Bank, Delhi High Court Branch for completing the formalities for the disbursement of the award

amount in terms of this order.

18. Claimant/Respondent shall remain present in Court along with passbook of

her savings bank account with the necessary endorsement on the next date of hearing.

19. List for reporting compliance on 31st October, 2017 at 2:30 P.M.

20. Copy of this judgment be sent to UCO Bank, Delhi High Court Branch and to Corporation Bank, Paschim Vihar Branch, New Delhi for compliance.

21. Copy of this judgment be given dasti to learned counsels for the parties under signature of Court Master.