
(1990) 12 P&H CK 0025
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 3161 of 1989

National Insurance Co. Ltd.	Vs	APPELLANT
Sukhbir Kaur and Another		RESPONDENT

Date of Decision : 19-12-1990

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115
Constitution of India, 1950 — Article 227
Workmens Compensation Act, 1923 — Section 21

Citation : (1991) 2 ACC 709 : (1991) ACJ 551 : (1991) 99 PLR 359

Hon'ble Judges : J.V. Gupta, C.J

Bench : Single Bench

Advocate : R.M. Suri, for the Appellant; None, for the Respondent

Final Decision : Allowed

Judgement

J.V. Gupta, C.J.—This order will also dispose of Civil Revision Petition Nos. 3162 of 1989 and 3163 of 1989 as the question involved is common in all these cases.

2. This petition is directed against the order of the Commissioner under the Workmen's Compensation Act, whereby the question of jurisdiction has been decided against the employer and in favour of the workman. Gurcharan Singh, deceased, was employed as a co-driver with truck No. PEN 3535 owned and possessed by Shri Kuldeep Rai. That truck met with an accident on the G.T. Road within the jurisdiction of Police Station Ghanour, Distt. Sonapat. The matter was reported to the Police where the case was, registered. However, the claim petition under the said Act, was filed at Gurdaspur. A preliminary objection was raised to the territorial jurisdiction of the Court to try the petition. According to the truck owner, the alleged accident took place within the jurisdiction of Sonapat district where the death of Gurcharan Singh was caused. As such the Court at that place had the jurisdiction to entertain the petition and to decide the same. The learned Commissioner found that the said truck was owned and possessed by Kuldeep Rai who had a factory at Batala District Gurdaspur and, therefore, u/s

19 of the Code of Civil Procedure, the petition was maintainable within the district of Gurdaspur.

3. The learned counsel for the petitioner submitted that the provisions of the Code of Civil Procedure, were not applicable to the petition u/s 3 of the Workmen's Compensation Act Section 20 of the said Act provides that the State Government may by notification in the official Gazette appoint any person to be a Commissioner for workmen's compensation for such area as may be specified in the notification. Section 21 of the Workmen's Compensation Act provides for the venue of proceedings and transfer as follows. "Where any matter is under this Act to be done by or before a Commissioner, the same shall subject to the provisions of this Act and to any rules made hereunder, be done by or before a Commissioner, for the area in which the accident took place which resulted in the injury." Thus, argued the learned counsel, since admittedly the accident took place within the jurisdiction of district Sonapat, it was the Commissioner, Sonapat, who had the jurisdiction over the dispute.

4. On the last date of hearing, the case was adjourned to find out if the compensation can be paid here in the High Court to the respondents.

5. The learned counsel for the petitioner submitted that since there were some triable issues, the claim as such is not accepted and, therefore, it could be sent to the Court at Sonapat for decision on merits as the territorial jurisdiction lies with that Court.

6. After hearing the learned counsel for the petitioner, I find merit in this contention.

7. The provisions of the CPC are not applicable to the petitions under the Workmen's Compensation Act in view of the provisions of Section 21 thereof noticed above. Since admittedly, the accident took place within the jurisdiction of Sonapat district in Haryana, it will be Commissioner, Sonapat, who will have the jurisdiction in the matter.

8. Consequently, all the three claim petitions are hereby transferred from Gurdaspur to Sonapat for decision. Since the death had taken place on May 3, 1985, it is directed that the proceedings be expedited and be disposed of within six months from the receipt of the record. The parties are directed to appear at Gurdaspur on January 14, 1991, when they will be directed to appear at a date to be fixed, in the Court at Sonapat, when the records will also be sent to that Court for disposal.