
(1995) 12 PAT CK 0035
In the Patna High Court
Case No : M.A. No. 454 of 1990 (R)

National Insurance Company Ltd.

APPELLANT

Vs

Kiran Devi (Smt.) and Another

RESPONDENT

Date of Decision : 08-12-1995

Acts Referred:

Workmens Compensation Act, 1923 — Section 20, 3, 30(1)

Citation : (1996) 44 BLJR 323 : (1998) 3 LLJ 622

Hon'ble Judges : R.N. Sahay, J

Bench : Single Bench

Advocate : M.Y. Eqbal and P.C. Ghose, for the Appellant; V. Shivnath and A.K. Rashidi, for the Respondent

Final Decision : Dismissed

Judgement

R.N. Sahay, J.—This in an appeal u/s 30(1)(a) of the Workmen's Compensation Act, 1923, against the order of the Claims Commissioner dated January 10, 1990 by which order Rs. 77,855/-has been awarded to respondent Smt. Kiran Devi, widow of late Jagat Prasad who was in the employment of Respondent No. 2 as a driver. He died on November 8, 1988 due to accident.

2. The appellant, National Insurance Company, appeared before the Commissioner on June 6, 1989 and filed its written statement. The appellant, however, did not appear when the matter was heard. On November 3, 1989. The employer, Respondent No. 2, accepted the liability for compensation, but stated that since the vehicle which caused the death of the employee was insured with the appellant, the appellant was liable for compensation. The Commissioner, therefore, directed the appellant to pay the compensation.

3. Sri Eqbal, counsel for the appellant contended that the order of the Labour Court is without jurisdiction because no reason has been assigned for awarding compensation and no notice was issued to the parties. Mr. Eqbal further submitted that the appellant contested the claim by filing written statement

denying and disputing the claim which was not in the prescribed form. He submitted that in the absence of genuine document to show the relationship of employee and employer, valid driving licence, wage register or wage certificate and other documents, liability could not be fastened on the appellant. The appellant has disputed the factum of accident.

4. Learned counsel referred to Section 20 of the Workmen's Compensation Act which provides the jurisdiction of the Commissioner. He submitted that in the instant case, since the case related to Hazaribagh, the Deputy Commissioner Labour, Hazaribagh, was invested with the power to decide the contested claim filed under the Workmen's Compensation Act vide notification of the year 1985.

5. I am unable to accept the contention of Sri Eqbal. Admittedly the appellant did not contest the proceeding. The employer admitted its liability. It has not been denied that the vehicle in question was not insured with the appellant. It cannot be said that the claim for compensation was contested by any party. Merely filing of written statement denying the liability does not amount to contesting the claim. There is no merit in this appeal. It is accordingly dismissed with costs which is assessed at Rs. 2,000/- payable to Respondent No. 1.