
(2006) 02 P&H CK 0019

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 850 of 2006

New India Assurance Company Limited

APPELLANT

Vs

Bhagwanti Devi and Others

RESPONDENT

Date of Decision : 10-02-2006

Acts Referred:

Citation : (2007) 2 ACC 861 : (2007) 112 FLR 375 : (2006) 144 PLR 342 :
(2006) 4 RCR(Civil) 738

Hon'ble Judges : Jasbir Singh, J

Bench : Single Bench

Advocate : R.K. Bashamboo, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

Jasbir Singh, J.—Vide order under challenge Commissioner under the Workmen's Compensation Act 1923 awarded compensation to the respondents for death of Anil Kumar their son to the tune of Rs. 229600/- alongwith interest.

2. Before this Court an attempt has been made to say that relationship of master and servant of the deceased with the owner of the vehicle was not established. This Court feels that the argument raised is devoid of any justification. The Court below while placing reliance upon Ex.P 9 (photocopy of DDR) and also statement made by the driver of the vehicle concerned that the deceased was employed as a Cleaner on the said vehicle came to a conclusion that relationship of master and servant stands established.

3. So far as payment of interest of concerned Counsel for the appellant has failed to show that in the insurance policy there existed any negative clause to the extent that the appellant Company shall not be responsible for payment of interest.

4. In view of judgment of Hon'ble Supreme Court in Ved Prakash Garg Vs. Premi Devi and others, and also ratio of judgment of this Court in F.A.O. No. 326 of 2006 titled as United India Insurance Company Limited v. Shakuntla Devi and

Ors. 3 (2006) A.C.C. 130 decided on 20.1.2006 no case is made out for interference.