
(2002) 02 JH CK 0062

In the Jharkhand High Court

Case No : Appeal from Original Order No. 37 of 1995 (R)

New India Assurance Company Ltd.

APPELLANT

Vs

Sajda Khatoon and Others

RESPONDENT

Date of Decision : 13-02-2002

Acts Referred:

Workmens Compensation Act, 1923 — Section 4, 4A(3)

Citation : (2002) 02 JH CK 0062

Hon'ble Judges : Hari Shankar Prasad, J; Gurusharan Sharma, J

Bench : Division Bench

Advocate : G.C. Jha, for the Appellant; M.S. Anwar, for the Respondent

Final Decision : Dismissed

Judgement

1. Admittedly, Md. Karini was employed as cleaner on the truck (U.P.-13-5655). On 6.7.1993 the said truck had a break-down on the way at G.T. Road near Barhi and the cleaner went inside the truck to push jack to lilt the truck. In the process of putting the jack it slipped, as a result of which the truck fell on him and he was crushed to death on spot.

2. Widow, parents, sons and daughters of the deceased filed Compensation Case No. 35 of 1993 for compensation under the provisions of Workman's Compensation Act. 1923 (hereinafter referred to as "the Act").

3. It was established that the deceased was employed as cleaner on the truck in question and in course of putting jack inside the said truck, the driver started it consequently jack slipped and in the said accident he died. He was 30 years old at the relevant time and was earning more than Rs. 1000/- per month.

4. In accordance with the provisions of Section 4 of the Act. Workman Compensation Commissioner calculated total sum of Rs. 90,835.25 paise including inherent to be paid to the claimants as compensation. u/s 4-A(3)(a) of the Act interest was granted @ 6% per annum for the period from 6.8.1993, i.e. one month either the occurrence till 12.12.1994, the date of award. The insurer

of the truck was directed to indemnify the employer's (insured) liability to pay the compensation amount.

5. We find no reason to interfere with the impugned judgment and award. This appeal is dismissed, but without costs.