

(2013) 09 RAJ CK 0079

In the Rajasthan High Court

Case No : SB Civil Miscellaneous Appeal No. 4856/11

Union of India and Others

APPELLANT

Vs

Shri Heman Dass

RESPONDENT

Date of Decision : 27-09-2013

Acts Referred:

Citation : (2013) 09 RAJ CK 0079

Hon'ble Judges : Bela M. Trivedi, J

Bench : Single Bench

Advocate : Tej Prakash Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

Bela M. Trivedi, J.—The present appeal has been filed u/s 30 of the Workmen Compensation Act, 1923 (hereinafter referred to as "the said Act") challenging the order dated 4.8.06 passed by the Commissioner, Workmen Compensation, Jaipur (hereinafter referred to as "the Commissioner") in WCC N.F. No. 67/02, whereby the Commissioner has awarded Rs. 43,578/- by way of compensation towards the injuries sustained by the respondent. At the outset it is required to be noted that though the impugned order is dated 4.8.06, the appeal has remained pending for about seven years at the admission stage without there being any attempt made by the appellants to get the matter listed and heard. On 23.9.13, the learned counsel for the appellants was directed to enquire as to whether the amount deposited by the appellants has been disbursed to the respondents or not. However, today, the learned counsel for the appellants is not in a position to make any statement with regard to disbursement of the amount. Since the appeal has not been prosecuted by the appellants for such a long time, the appeal deserves to be dismissed on that ground alone.

2. As regards the merits of the case, the only contention raised by the learned counsel for the appellants is that the respondent was already paid for the medical expenses incurred by the respondent in the accident in question and,

therefore, the respondent could not have been allowed any other compensation. Such a submission cannot be accepted, inasmuch as whether the appellants had paid some amount by way of expenses to the respondent would be a disputed question of fact. It is needless to say that the appeal u/s 30 of the said Act could be filed by the appellants only if the appeal involves substantial question of law. The learned counsel for the appellants having failed to point out any question of law, much less substantial question of law, the present appeal deserves to be dismissed and is accordingly dismissed.