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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision: 09th May, 2025**

+ FAO 193/2020, CM APPL. 27169/2020, CM APPL. 27047/2022, CM APPL. 52000/2024, CM APPL. 53126/2024 & CM APPL. 23463/2025

THE ORIENTAL INSURANCE CO LTDAppellant

Through: Mr. A.K. Soni, Adv.

versus

SH RAVINDER KUMAR & ANR.Respondents

Through: Mr. Pankaj Gupta, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

1. Having heard the learned counsels for the parties and upon perusal of the record, this Court proceeds to decide the present appeal.

2. The appellant/Insurance Company has preferred the present appeal under Section 30(1)(a) & (aa) of the Employee's Compensation Act, 1923, thereby challenging the impugned judgment-cum-award dated 05.02.2020 passed by the learned Commissioner, Employee's Compensation, District South, Delhi. By the said judgment, the claim of respondent No.1/workman/claimant seeking compensation for injuries sustained in the course of his employment with respondent No.2 was allowed, and compensation of ₹7,01,760/- has been awarded along with interest @ 12% per annum from the date of the accident, i.e., 17.01.2013, till realization.

FACTUAL BACKGROUND

3. In a nutshell, the case of respondent No.1/workman/claimant



was that he was employed as a driver on Tank Lorry bearing No. BR-16A-1100, owned by respondent No.2/insured; and that on 17.12.2012, after unloading diesel from the said vehicle at Shanshyam Pur (Madhubani), while he was driving towards Barauni, Begusarai, a cow suddenly emerged onto the road near village Vikrampur, Begusarai; and that in an attempt to save the cow, the vehicle was steered to the left and struck against a tree. As a result, not only was the truck badly damaged, but the respondent No. 1/workman/claimant also sustained injuries.

4. It was stated that he was taken to a local hospital in Begusarai for treatment on 18.12.2012, where he remained under treatment till 13.08.2013 for fractures in his right arm and tibia (leg bone). It was further stated that his treatment continued, and he also received medical care at Safdarjung Hospital, New Delhi, from 07.11.2014 to 31.12.2014, and remained under medical treatment until 29.01.2015. Respondent No.1/workman/claimant relied upon the disability certificate issued by the Medical Board of Safdarjung Hospital, whereby his disability was assessed at 90%.

5. Suffice it to state that respondent No.2/employer/insured admitted the existence of the employer-employee relationship, as well as the fact that respondent No.1/workman/claimant had sustained injuries arising out of and during the course of his employment. It was also brought on record that the truck in question was insured for third-party risk, including legal liability towards the driver and cleaner, for the period from 22.04.2012 to 21.04.2013.

6. Resultantly, the learned Commissioner found that respondent



truck. The mere fact that no employment letter was shown or proven by respondent No.1/claimant is of little legal consequence. It also appears from the record that, when questioned about the non-production of the medical treatment record, CW-1 stated that the documents had been damaged during the flood, which version was also not challenged.

9. It goes without saying that the appellant/insurance company has its own paraphernalia of investigators/surveyors. However, not an *iota* of evidence was brought on record to suggest that the claimant had any reason to depose falsely or to lodge a false claim against the employer.

10. In view of the foregoing discussion, the finding recorded by the learned Commissioner that an employer-employee relationship existed between respondent No.1/workman/claimant and the respondent No. 2/employer/insured cannot be said to suffer from any legal flaw. In fact, no substantial question of law has been raised by the appellant/insurance company in the present appeal.

11. In view of the above, the present appeal is dismissed. The amount of compensation awarded by the learned Commissioner, Employee's Compensation, shall be released to respondent No.1/claimant along with the accrued interest, in accordance with law.

12. All pending applications are also disposed of.

DHARMESH SHARMA, J.

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