



2026:DHC:4721



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

% Reserved on : 27.04.2026
Pronounced on : 25.05.2026
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+ **FAO 478/2017**

J V M SECURITY PVT LTD.Appellant
Through: Mr. Mayank Wadhwa, Ms. Eccha
Shukla, Ms. Supriya Sharma, Ms.
Muskan Gupta Advocates.

versus

SHANTI DEVI & ORSRespondents
Through: Mr. R.K. Nain, Ms. Pratima N. Lakra,
Mr. Daksh Nain and Mr. Chandan
Prajapati, Advocates for respondent
Nos.1 to 5.
Mr. Tejas Singh and Mr. Suryaansh
Kishan Razdan, Advocates for
respondent Nos.6 to 8.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 44348/2017

1. By way of the present application, the applicant/appellant seeks condonation of delay of 592 days in filing the appeal.
2. Learned counsel for the appellant contends that the delay was caused due to the serious medical condition of the Managing Director of the appellant, who was suffering from chronic heart and kidney ailments and remained under continuous treatment and hospitalization. It is further



submitted that the appellant's aged mother was also suffering from cancer for several years. The application is accompanied by medical documents indicating the treatment undertaken by the appellant which supports the contentions that the appellant was suffering from serious ailments which prevented him from taking legal recourse within the permitted time..

3. Learned counsel for respondent nos. 1 to 5 submits that the delay is inordinate and no sufficient cause has been shown for condonation thereof, particularly when the appellant had actively contested the proceedings before the Commissioner and was fully aware of the impugned order.

4. In Collector, Land Acquisition, Anantnag v. Katiji¹, the Supreme Court in advocating the liberal approach in condoning the delay for 'sufficient cause' held that ordinarily a litigant does not stand to benefit by lodging an appeal late; it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned.

5. Having regard to the explanation furnished by the appellant, the medical documents placed on record, and the overall facts and circumstances of the case, this Court is satisfied that the appellant has shown sufficient cause for the delay.

6. Accordingly, the delay of 592 days in filing the present appeal is condoned.

7. Consequently, the present application is disposed of.

¹ 1987 2 SCC 107



FAO 478/2017 & CM APPL. 44347/2017

1. The present appeal, filed under Section 30 of the Employees' Compensation Act, 1923 (hereinafter referred to as the 'Act'), arises out of the order dated 22.02.2016 passed by the Commissioner, Employees' Compensation, District South-West, Hari Nagar, New Delhi in case bearing No. ECI-05/13/DLC/SWD/876-80, whereby the claim petition filed by respondent nos.1 to 5/claimants was allowed and compensation amounting to Rs.7,36,680/- along with interest @ 12% per annum was awarded in favour of the claimants.

2. The brief facts are that the claimants, in their claim petition, stated that *Sh. Ram Bahadur* (hereinafter referred to as 'deceased'), was employed as a Security Guard with the appellant, and was deployed at premises bearing No. A-1/107, Safdarjung Enclave, New Delhi. It was claimed that on the intervening night of 23.04.2012, during the course of his employment and while on duty in the security cabin situated at the entrance of the said premises, the deceased was found lying unconscious/dead at about 5:00 A.M.

3. Learned counsel for the appellant submitted that the impugned order is erroneous and contrary to the evidence on record. It is submitted that the claimants failed to prove any employer-employee relationship between the appellant and the deceased. It is further submitted that attendance, wage, PF and ESIC records have been placed on record which shows that the deceased was not its employee. It is also contended that since the deceased was found dead at the premises of respondent nos.6 to 8, liability could not have been fastened upon the appellant.

4. Learned counsel for the respondent nos.1 to 5/claimants supported the



impugned order and submitted that the deceased was working as a Security Guard under the appellant and had died during the course of his employment while on night duty at the premises in question. It was further submitted that the learned Commissioner had rightly appreciated the evidence on record and rightly awarded compensation in favour of the claimants.

5. Learned counsel appearing for respondent nos.6 to 8 submitted that there existed no employer-employee relationship between them and the deceased. It was further contended that the deceased was neither employed nor engaged by the said respondents and was a stranger to them and, therefore, no liability could be fastened upon them.

6. I have heard the learned counsels and perused the record.

7. So far as the question of employer-employee relationship is concerned, the same stands sufficiently proved from the contemporaneous police record, oral testimonies and surrounding circumstances appearing on record. The claimants relied upon DD No.13B and DD No.7A dated 23.04.2012 of P.S. Safdarjung Enclave, wherein the deceased was recorded to be working as a Security Guard. The testimony of claimant witness *Smt. Shanti Devi* also remained consistent to the effect that the deceased was employed with the appellant and used to perform security duties at the said premises during night hours.

8. It is further noted that ASI Hukum Singh was summoned and appeared as a witness before the Commissioner. He produced the police record pertaining to the incident and stated that the photographs forming part of the investigation record reflected that the deceased was wearing the uniform of JVM Security at the relevant time. Though he admitted that he had no personal knowledge of the incident and was not the Investigating



Officer at the relevant time, his testimony corroborates the contemporaneous police record placed on record. Further, the documentary records relied upon by the appellant were not accepted by the Commissioner in view of the above and the surrounding circumstances.

9. The Commissioner additionally took note of the local inspection report called from the Labour Inspector, pursuant to which respondent nos.6 to 8 were impleaded in the proceedings. Significantly, respondent nos.6 to 8 merely filed replies before the Commissioner and did not lead any evidence to rebut the claim regarding deployment of the deceased through the appellant.

10. As noted above, the deceased was deployed as a Security Guard by the appellant. In the present case, the deceased was found dead at the very place where he had been deployed for duty and there is no material suggesting any independent or intervening cause unrelated to employment. Merely because the manner of death could not be conclusively established cannot by itself defeat a claim under the beneficial provisions of the Act. In the facts of the case, the surrounding circumstances sufficiently establish a nexus between the employment and the death of the deceased.

11. The Supreme Court, in Mackinnon Mackenzie & Co. (P) Ltd. v. Ibrahim Mahmmed Issak² held that for a claim to fall within the ambit of the Act, the injury must arise both out of and in the course of employment. While "in the course of employment" mean in the course of the work which the workman is employed to do and which is incidental to it. The words "arising out of employment" are understood to mean that, during the course of employment, the injury has resulted from some risk incidental to the

² (1969) 2 SCC 607



duties of the service, which, unless engaged in such duty owing to the master, it is reasonable to believe the workman would not otherwise have suffered. In other words, there must be a causal relationship between the accident and the employment. To put it differently, if the accident had occurred on account of a risk which is an incident of the employment, the claim for consideration must succeed, unless, of course, the workman has exposed himself to an added peril by his own imprudent act. Although the burden lies on the claimant, the nexus may be inferred from proved facts, provided it is not based on mere conjecture.

12. The proceedings under the Act are summary in nature and, therefore, strict rules of evidence are not required to be followed. The police/DD entries were relevant for understanding the circumstances relating to the employment and death of the deceased. In this regard, the Supreme Court in Om Prakash Batish v. Ranjit alias Ranbir Kaur and Ors.³, wherein it was held that in proceedings before the Commissioner under the Workmen's Compensation Act, the provisions of Code of Civil Procedure and Evidence Act are not applicable. The Commissioner can lay down his own procedures and for the purpose of arriving at the truth, rely upon such documents which are produced before it.

13. The findings returned by the Commissioner are essentially findings of fact based upon appreciation of the oral and documentary evidence placed on record. The material on record establishes that the deceased died during the course of employment while performing assigned night duty at the premises in question.

14. It is apposite to note the scope of Section 30 of the EC Act, it is

³ (2008) 12 SCC 212



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settled through a number of decisions that the scope of appeal under Section 30 is limited. Under the scheme of the EC Act, the Commissioner is the last authority on facts. Being a welfare legislation, the Parliament thought it fit to restrict appeal only to a substantial question of law.(CR:Golla Rajanna & Ors. v. Divisional manager & Anr.⁴).

15. Keeping in view of the settled position of law as well as the facts of the present case, the appellant has been unable to show that the impugned decision is perverse, without jurisdiction, or in violation of the principles of natural justice.

16. It is directed that 50% of the awarded amount already deposited with the Registry of this Court, along with accrued interest thereon, be released to the claimants. The remaining amount, be also released to the claimants by the appellant within a period of 4 weeks.

17. Consequently, the impugned order is upheld and the appeal, alongwith pending application, is dismissed.

**(MANOJ KUMAR OHRI)
JUDGE**

MAY 25, 2026

sn

⁴ (2017) 1 SCC 45