

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.**

**C.R.No.4082 of 2010 (O&M)**

**Date of Decision : 30.7.2010**

M/s Pooja Enterprises

....Petitioner

Versus

Balwinder Kumar

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Rakesh Kumar Sharma, Advocate  
for the petitioner.

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**MAHESH GROVER, J.**

The petitioner pleads that he was not aware of the proceedings against him. He also contests the fact that the respondent was an employee of their concern. He has contended that the respondent was an employee of the firm of his brother and that M/s Pooja Enterprises is lying closed since 2007 and he has neither any concern nor any liability towards the respondent.

I have heard the learned counsel for the petitioner and have perused the ex-parte award which was passed against him and which reveals that the petitioner had appeared before the authority under the Workmen's Compensation Act who chose not to file the written statement and defaulted in appearance altogether thereafter

leaving the authority with no other option but to determine the award against him ex-parte. It is settled principle of law that a person who chooses not to participate in the proceedings inviting ex-parte proceedings against him necessarily has to satisfy the conscious of the court displaying his bona fides, which unfortunately totally lack in the instant case. The petitioner has also not been able to demonstrate from any material on record that the unit was lying closed since 2007. The only reference made is to a communication sent to the electricity board which also does not reveal that the unit is lying closed but it only reflects that the electricity connection has been disconnected.

In the wake of the fact that there is neither any material to demonstrate the bona fides of the petitioner nor is there any material to show that the unit was lying closed and that the respondent was a workman in some other unit, I am of the opinion that the impugned order does not suffer from any infirmity.

The Court was also inclined to grant indulgence to the petitioner subject to the condition that he deposits the entire amount and in such eventuality he would have been afforded an opportunity to contest the proceedings on merits. But unfortunately the petitioner for the reasons best known to him has chosen not to avail of this concession.

No ground to interfere.

Dismissed.

30.7.2010

(MAHESH GROVER)  
JUDGE

dss