

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 1179/2013

The New India Assurance Company Ltd having its Registered & Head Office at 87, Mahatma Gandhi Road Fort, Mumbai-400001 and having its Regional Office at Second Floor, South Block Nehru Place, Tonk Road, Jaipur through its Constituent Attorney.

----Appellant

Versus

1. Vidhya Devi aged about 29 years wife of Late Shri Badri nath, resident of Gram Navalpura, Tehsil- Shahpura, District Jaipur (Rajasthan)
2. Sushmita aged about 11 years daughter of Late Shri Badri Nath, resident of Gram Navalpura, Tehsil- Shahpura District Jaipur (Rajasthan)
3. Ankit Pal aged about 9 years son of Late Shri Badri Nath, resident of Gram Navalpura, Tehsil- Shahpura District Jaipur (Rajasthan)
4. Aman Pal aged about 8 years son of Late Shri Badri Nath, resident of Gram Navalpura, Tehsil- Shahpura District Jaipur (Rajasthan)
5. Mapli Logistic Pvt. Ltd. 694/1, Raja Garde, Purana Faridabad, Haryana.

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 1177/2013

The New India Assurance Company Ltd having its Registered & Head Office at 87, Mahatma Gandhi Road Fort, Mumbai-400001 and having its Regional Office at Second Floor, South Block Nehru Place, Tonk Road, Jaipur through its Constituent Attorney.

----Appellant

Versus

1. Urmila Devi aged about 43 years wife of late Shri Sheeshpal, resident of Gram Khojawal, Tehsil- Shahpura District Jaipur (Rajasthan)
2. Avnish aged about 24 years son of late Shri Sheeshpal, resident of Gram Khojawal, Tehsil- Shahpura District Jaipur (Rajasthan)

3. Lalit Kumar aged about 22 years son of late Shri Sheeshpal, resident of Gram Khojawal, Tehsil- Shahpura District Jaipur (Rajasthan)
4. Anuj aged about 20 years son of late Shri Sheeshpal, resident of Gram Khojawal, Tehsil- Shahpura District Jaipur (Rajasthan)
5. Prashant aged about 17 years son of late Shri Sheeshpal, resident of Gram Khojawal, Tehsil- Shahpura District Jaipur (Rajasthan)
6. Harswaroop aged about 77 years son of late Shri Sheeshpal, resident of Gram Khojawal, Tehsil- Shahpura District Jaipur (Rajasthan)
7. Mapli Logistic Pvt. Ltd. 694/1 Raja Garden, Purana Faridabad, Haryana

----Respondents

For Appellant(s) : Mr. Sanjay Singhal
 For Respondent(s) : Mr. M I Abbasi

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

30/11/2021

Taking into consideration the law laid down by the Supreme Court in case of ***North East Karnataka Road Transport Corporation Versus Sujatha reported in (2019) 11 SCC 514***, the Supreme Court has held as under:-

"9. At the outset, we may take note of the fact, being a settled principle, that the question as to whether the employee met with an accident, whether the accident occurred during the course of employment, whether it arose out of an employment, how and in what manner the accident occurred, who was negligent in causing the accident, whether there existed any relationship of employee and employer, what was the age and monthly salary of the employee, how many are the dependents of the deceased employee, the extent of disability caused to the employee due to injuries suffered in an accident, whether there was any insurance coverage obtained by the employer to cover the incident etc. are some of the material issues which arise for the just decision of the Commissioner in a

claim petition when an employee suffers any bodily injury or dies during the course of his employment and he/his LRs sue/s his employer to claim compensation under the Act.

10. The aforementioned questions are essentially the questions of fact and, therefore, they are required to be proved with the aid of evidence. Once they are proved either way, the findings recorded thereon are regarded as the findings of fact."

In view of the above, this Court finds that in the present appeals there is no substantial question of law involved as the issue raised in the appeals is employer-employee relationship and question of wages which is pure question of fact and cannot be gone into an appeal filed under Section 13 of Employees' Compensation Act, 1923.

Accordingly, the appeals stand dismissed.

Stay applications also stand disposed of.

(SANJEEV PRAKASH SHARMA),J

NITIN/54-55

सत्यमेव जयते