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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010032832020
+ **FAO 206/2021 and CM APPL. 28654/2021**
NEW INDIA ASSURANCE CO. LTDAppellant
Through: Ms.Rakhi Dubey, Advocate

versus

MUNIJ@ MUNNI BEGAM & ORS.Respondents
Through: Mr.S.N. Parashar and Mr.Ritik Sirohi,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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07.09.2026

1. The present appeal has been filed challenging the judgment and order dated 11.03.2020 passed by the learned Commissioner, Employee's Compensation, in WCD/91/WD/17/1803.
2. *Vide* the impugned order, the learned Commissioner has allowed the claim application and directed the present appellant/insurer to pay the compensation amount.
3. Notably, insofar as the penalty is concerned, the same was imposed on the employer/respondent No. 3. The claim application came to be filed in the context of the death of one Sh. *Wazid Ali*. It was stated that the deceased expired on 31.05.2014 while he was employed with respondent No. 3 as a driver of the vehicle bearing No. UP-15F-1231 (Milk Tanker) at *Paras Dairy, Dibai, Buland Sehar, U.P.* On the day of the accident, the deceased was 55 years of age. On 31.05.2014, he was driving the Tanker from *Gulavathi to Buland Sehar*, and while waiting for unloading of the Tanker,



he climbed onto the Tanker and was electrocuted by a high-tension electric line, as a result of which, he later expired in the district hospital, *Buland Sehar*.

4. The application was resisted by the present appellant. While the employer did not appear in the proceedings, the present appellant contested the claim on the ground that the claimant had initially approached the learned Commissioner at *Buland Sehar*, from where the claim application was withdrawn and re-filed in Delhi. It was also contended that the claimant had filed a second claim application under the provisions of the Motor Vehicles Act, 1988, and the two claims could not be pursued.

While passing the impugned order, the learned Tribunal noted that the claim application filed before the concerned Commissioner at *Buland Sehar* was withdrawn, as was the claim application filed under the Motor Vehicles Act, 1988. Thus, the only claim which was pending was the claim application filed before the learned Commissioner at Delhi.

5. In view of the above, Section 166 of the Motor Vehicles Act, 1988, which prohibits filing of claim applications under the provisions of the Motors Vehicles Act, 1988 as well as the Employee's Compensation Act, 1923, is not applicable in the present case.

6. No other contention raised, the present appeal is accordingly dismissed alongwith the pending application.

7. The award amount lying deposited with the learned Commissioner be released to the claimant forthwith, alongwith the interest accrued thereon, if any.

MANOJ KUMAR OHRI, J

SEPTEMBER 7, 2026/na