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

+ **FAO 74/2020**

ANIL Appellant

Through Mr. Satya Narayan, Advocate

versus

ARTI DEVI Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **04.03.2020**

CM APPL. 5244/2020 (Exemption)

Allowed, subject to all just exceptions.

**FAO 74/2020 & CM APPL. 5243/2020 (stay) & 5245/2020
(condonation of delay)**

1. Appellant impugns order dated 21.12.2018 whereby the Commissioner has awarded compensation to the respondent wife of the deceased.

2. Learned counsel for the appellant submits that even though issues were framed in the proceedings, when appellant wanted to lead evidence, the right to lead evidence was closed on the ground that there were admissions in the written statement that appellant had engaged the services of the Contractor with whom the deceased was employed.

3. Learned counsel submits that since there were issues framed *inter alia*, as to whether the deceased was an employee, appellant was entitled to lead evidence. He submits that even if there is deemed to be an admission of relationship, there were other aspects on which evidence had to be led and without giving an opportunity, the right to lead evidence was closed.
4. Further, it is contended that the date when the matter was listed for final arguments, adjournment was sought by the counsel which was refused and the impugned judgment passed.
5. Issue notice to the respondent returnable on 15.07.2020. Till the next date of hearing, Commissioner shall not release the amount to the respondent without leave of this Court.
6. Digital copy of the trial court record be requisitioned.
7. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 04, 2020

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