



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.11548 OF 2018
WITH
CIVIL APPLICATION NO.134 OF 2019
WITH
CIVIL APPLICATION NO.137 OF 2019

United India Insurance Company
Limited Through Its Manager Ms.Geeta NairAppellant/ Applicant

Versus

Mr.Manoj Mahadeo Vetkoli And Ors.Respondents

Mr.Rahul Mehta i/b KMC Legal Venture for the Appellant/Applicant.
None for the Respondents.

CORAM : JITENDRA JAIN, J.
DATED : 29th APRIL 2026

P. C. :

1. This appeal is filed under Section 30 of the Employees Compensation Act. The Appeal lies on substantial questions of law:
2. Mr. Mehta, learned counsel for the Insurance Company has proposed following substantial questions of law:

1. Whether the applicant has proved the employer-employee relationship for being entitled to make an application under the Employees Compensation Act ?

3. This issue has been discussed by the Commissioner at internal page 5 paragraph 2 and internal page 16 paragraph Nos.17 to 19. The Commissioner after considering oral and documentary evidence has given a finding of fact that the claimant was employed with opponent No.1 who



had purchased the vehicle from opponent No.2 which was insured with the Insurance Company. Opponent No.1 had admitted in his evidence that the claimant was his employee at the time of the accident. The fact of purchase of vehicle from opponent No.2 by opponent No.1 has not been disputed by the opponent No.2. In my view, on the basis of the evidence referred to by the Commissioner in these paragraphs, the employer-employee relationship has been established and the findings given are not perverse. These are purely questions of fact and therefore no question of law would arise.

2. Whether the Commissioner was justified in coming to the conclusion that the applicant suffered 100% functional disability when the Doctor certified disability at 56% ?

4. This issue has been discussed by the Commissioner at internal page No.18 and paragraphs 20 to 22. The Commissioner has given a finding of fact that based on the injury sustained the claimant could not drive the vehicle and the occupation of the claimant was of the driver ?

5. Doctor's disability is not on the basis of functional disability but physical disability. If physical disability leads to a situation where a person who was a driver cannot drive any further then, in my view, it is a case of 100% functional disability. The Commissioner has given detailed reasons in paragraphs 20 to 22 based on the factual evidence led before it. In my view, the findings of the Commissioner are purely based on facts and does not give rise to any substantial question of law and, therefore, even this question cannot be considered.

6. In view of above, the appeal does not deserve any merit for admission and therefore is dismissed. Civil/Interim Application, if any does not survive.

[JITENDRA JAIN, J.]