



2025:HHC:40222

**FAO No. 257 of 2019 a/w
Cross Objection No. 41 of 2019**

06.09.2019 Present: Mr. Ashwani K. Sharma, Sr. Advocate with Mr. Jeevan Kumar, Advocate, for the appellant/applicant.

Ms. Monika Singh, Advocate, for respondents No.1 to 4.

Mr. Ashwani Kumar, Advocate vice Mr. Harish Dod, Advocate, for respondents No. 5 & 6.

FAO No. 257 of 2019:

Admit on the following substantial questions of law:-

1. Whether learned Commissioner while passing impugned award erred in awarding huge compensation amount to the claimants/respondents No.1 to 4, payable by the appellant/insurer since no premium in respect of employee-driver was paid and as such no risk of paid employees as per policy of insurance was assumed by the insurer?
2. Whether employer-employee relationship between owner-insured and deceased-driver having not been proved on record, the claim made on behalf of the claimants for grant of compensation on account of death of Sh. Bhoop Ram was not maintainable and claim petition was liable to be dismissed?



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Cross Objection No. 41 of 2019:

In view of the admission of appeal, cross objection is also admitted.

CMP No. 7983/2019:

The applicants Smt. Fulma Devi and Smt. Shanta Devi, are mother and wife of deceased Sh. Bhoop Ram, who was stated to be the sole bread earner of the family. The applicants have submitted that they have no source of income and they require financial assistance for their survival.

In view of the averments made in the application, the same is allowed to the extent that 50% of the amount, falling to the share of the applicants No. 1 & 2, in terms of the impugned award, passed by learned Commissioner Employees Compensation, Court No.1, Shimla, is directed to be released in their favour. The same be remitted to their bank accounts, particulars whereof are appended with the application. The application stands disposed of.

**(Jyotsna Rewal Dua)
Judge**

6th September, 2019
(reena)