



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

FAO(WC) No. 21/2023
CM No.7381/2025
CM No. 3626/2024
CM No. 2936/2024
CM No. 137/2024
CM No. 3959/2023

Date of Order: **10.02.2026**
Uploaded on: **11 .02.2026**

- 1. Ahmadullah Kotay**
F/O Fayaz Ahmad Kotay
2. Julie and 3. Saima JanAppellant
Both daughters of Ahmadullah Kotay
All the three Residents of Tethar,
Tehsil Banihal, District Ramban

Through: Mr. Qadri Towkeer Nazir, Advocate.

Vs

- 1. Shakeela Akhter**
Wd/O Fayaz Ahmad Kotay
R/O Tethar,
Tehsil Banihal, District Ramban.
2. Commissioner, under Employees' Compensation Act,
1923 (Assistant Labour Commissioner) Ramban.
3. United India Insurance Company Ltd through
its Branch Manager, Purani Mandi, Jammu.
4. Harbans Singh S/O Balwant Singh
R/O 44-A, Sainik Colony, Jammu. Respondents

Through: Mr. Idrees Saleem Dar, Adv. for R-1.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

1. This appeal has been preferred against the award/order dated 24.04.2023 passed by the Assistant Labour Commissioner, Ramban as Commissioner under Employees Compensation Act, 1923 in an application for grant of compensation in File No.63/D titled '*Shakeela Akhter v. United India Assurance Co. Ltd. & Anr.*'



whereby compensation to the tune of Rs.8,54,280/- along with interest @ 12 per cent per annum, which accumulated to Rs.4,50,000/- for the death of one-Fayaz Ahmed Kotay S/O Ahamdullaha Kotay R/O Tethar Tehsil Banihal, District Ramban, in an accident occurred on 14.08.2018 during and in the course of his employment with employer-respondent no.4-Harbans Singh while driving Truck No.JK12/3205 claimed to have been insured with respondent-United India Insurance Co. Ltd. with its Branch Purani Mandi, Jammu.

2. The appellants have assailed the award on the ground that the appellants Ahamdullaha Kotay-father and Julie and Saima Jan both sisters of the deceased, who were though entitled to receive compensation along with respondent-Shakeela Akhter, wife of the deceased under the Employees Compensation Act, 1923, had not been granted the compensation, as even they were not impleaded as parties before the learned Commissioner.

3. The Commissioner had misdirected himself for not granting compensation to the appellants even after the statement of the claimant-Shakeela Akhter-respondent No.1 herein, who had deposed before him that the father and sisters of the deceased (appellants herein) were dependents on the income of the deceased, as such, under Section 2 of the Employees Compensation Act, they were also entitled to receive compensation. The whole of the compensation has been awarded to the respondent No.1, who had filed a claim at her own before arraying the appellants either as co-petitioners with her or as respondents, before the Commissioner.

4. After arguing for a while, learned counsel for both the parties fairly stated that the matter cannot be decided in this appeal as the parties are required to lead evidence in support of their contentions before the Commissioner and they



made a joint request that the impugned award be set aside and the matter be remanded to the Commissioner below for deciding the matter afresh with regard to the entitlement of the compensation granted by him for the death of deceased-Fayaz Ahmed Kotay, son of appellant no.1 and brother of appellants 2 and 3 and husband of respondent No.1.

5. In view of the facts and circumstances of the case and the submissions made by the learned counsel for both the contesting parties fairly, the appeal is allowed and the impugned award to the extent of entitlement is set-aside, with the direction to remand the matter to the learned Commissioner below to decide the entitlement/apportionment of the appellants and respondent No.1, to their claims to the compensation awarded, in view of evidence to be led, if any, and the law applicable on the subject within a period of six weeks from the date of this order.

6. The amount deposited, of which 50% is stated to have been released in favour of the respondent no.1-Shakeela Akhter, shall continue to remain deposited with the Registry of this Court and be secured as FDRs renewable from time to time for disbursement subject to orders of the learned Commissioner below.

7. The appeal is, accordingly, **disposed of** as allowed along with connected applications.

(M A CHOWDHARY)
JUDGE

Jammu
10.02.2026
Raj Kumar

Whether the order is reportable?:	Yes
Whether the order is speaking?:	Yes