

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 529/2025

National Insurance Company Ltd.

----Appellant

Versus

Saidi Khatun

----Respondent

For Appellant(s) : Mr. Lokesh Parihar

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/02/2025

1. Aggrieved from award dated 30.08.2024 in claim case No. ECCF/412/2018 under the Employees' Compensation Act, 1923 passed by the Commissioner of ECC, Jaipur, instant misc. appeal is preferred by appellant-non-claimant Insurance Company.
2. Office has pointed out a delay of 71 days and to substantiate the reasons of delay, an application under Section 5 of Limitation Act is filed.
3. For the reasons stated in the application, same is allowed and delay is condoned.
4. Misc. application stand disposed of.
5. Learned counsel for appellant submits that just after the accident, injured was taken to hospital wherein it was reported that the injured fell from height at the site of I.S. Paradise and later facts were twisted and at the place of accident it was mentioned that at site of Unique Builders non-claimant No.1 M/s Bhinwaram Pannalal Kumawat was working as a sub-contractor. He submits that M/s Bhinwaram Pannalal Kumawat was included

(insured) just to secure claim under the ECC Act. The manipulation in involvement was ignored by the Commissioner, ECC. He also raised the issue of breach of policy and submitted that the liability of interest and penalty cannot be imposed upon the insurance company.

6. Having considered the submission and also on perusal of material as referred by learned counsel there are grounds which requires consideration by this Court.

7. Issue notice to respondent(s).

8. Additional set be issued through registered speed post.

9. Call for record.

10. The effect and operation dated 30.08.2024 shall remain stayed qua present appellant till next date of hearing.

11. List this matter in the month of July, 2025.

ASHOK KUMAR JAIN),J