

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1863/2026

United India Insurance Co. Ltd.

----Appellant

Versus

Smt. Pooja W/o Late Sh. Rakesh Kumar, & Ors.

----Respondents

For Appellant(s)	:	Mr. Pankaj Agrawal
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

05/05/2026

1. While impugning the award dated 05.03.2026 passed by learned Commissioner, Employees Compensation Act, 1923, Dausa, (Labour Court-I), Jaipur in Case No. WCCF No.01/2017 (CIS No.164/2019), whereby the learned Commissioner awarded a sum of Rs.12,93,212 to the claimants/respondents, learned counsel for the appellant submits that the learned Commissioner failed to consider the provision of Section 3 of the Employees Compensation Act, 1923 and further erred in awarding penalty under Section 4A(3)(b) by fixating liability upon the Insurance Company; he accordingly prays that the impugned award dated 05.03.2026, being perverse may kindly be set aside.

2. Heard.

3. In view of the above, issue notice to the respondents, returnable within four weeks.

4. Requisite PF and notices may be filed in two sets within a period of one week, and upon filing the same, one set will be sent by ordinary post and another by registered post.

5. In the meanwhile, the effect and operation of the impugned award dated 05.03.2026 passed by the learned Commissioner, Employees Compensation Act, 1923, Dausa, (Labour Court-I), Jaipur in Case No. WCCF No.01/2017 (CIS No.164/2019) titled as '*Smt. Pooja & Ors. vs. Narendra Singh & Anr.*', Dausa, Jaipur, shall remain stayed, provided the appellant deposits the entire awarded amount i.e. Rs.12,93,212/- along with 12% interest to the claimants/respondents with the learned Commissioner, Employees Compensation Act, 1923, Dausa, (Labour Court-I), Jaipur, within a period of four weeks from today.

6. On depositing the entire awarded amount i.e. Rs.12,93,212/- along with 12% interest per annum; 50% of the awarded amount may be disbursed to the claimants/respondents on filing an undertaking on oath to the effect that, in case the present appeal is allowed the respondents will return the said sum to the appellants along with interest @ 6% p.a.; and the remaining 50% of the awarded amount shall be invested in FDR in any nationalized bank and the same shall not be disbursed to the respondents without leave of this Court.

7. List this matter after four weeks.

(MANEESH SHARMA),J