

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).10423 OF 2016  
(Arising out of SLP(C)No.15636/2013)

PRAKASAN

APPELLANT

VERSUS

NEW INDIA ASSURANCE CO. LTD. & ORS.

RESPONDENTS

O R D E R

1. Leave granted.
2. The appellant-workman has challenged the order of the High Court by which the appeal filed before the High Court by the insurer against the award of the Workmen's Compensation Commissioner, Thrissur, has been modified and the appellant-Insurer has been exonerated of the liability which has been fastened on the respondent No.2, herein, alone.
3. The amount involved is a little over two lakhs. The basis of the High Court order appears to be that in the application for compensation filed by the workman it is not mentioned that he was

employed in the business which was run jointly by the respondent Nos. 1 and 2. Though the said fact is stated in the affidavit evidence of the appellant-workman, the High Court decline to accept the same on the ground that the said statement is in the nature of an improvement over what has stated in the application for compensation.

4. We have heard the learned counsels for the parties. We have read and considered the application filed by the appellant-workman before the Commissioner and also the affidavit evidence.

5. In para 1 of the application, the workman has clearly stated that he was employed in the business which was jointly run by the respondent Nos. 1 and 2.

6. In view of the above categorical statement made by the workman, the basis of the High Court order appears to be incorrect. We, accordingly, interfere with the order of the High Court and make both the respondent Nos. 1 and 2 to this appeal jointly and severally liable to satisfy

the award of the Workmen's Compensation  
Commissioner.

7. The appeal is accordingly disposed of in  
the above terms.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(ABHAY MANOHAR SAPRE)

NEW DELHI  
OCTOBER 28, 2016

ITEM NO.39

COURT NO.6

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15636/2013

(Arising out of impugned final judgment and order dated 20/07/2012 in MFA No. 208/2011 passed by the High Court of Kerala at Ernakulam)

PRAKASAN

Petitioner(s)

VERSUS

NEW INDIA ASSURANCE CO. LTD. &amp; ORS.

Respondent(s)

(with office report)

Date : 28/10/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Jayanth Muthraj, Adv.  
Mr. Sajith. P, Adv.

For Respondent(s) Mr. Ramesh C. Mishra, Adv.  
Dr. Meera Agarwal, Adv.

Mr. Harikumar V., Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the  
signed order.

(Neetu Khajuria)  
Court Master

(Asha Soni)  
Court Master

(Signed order is placed on the file.)