

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19913/2013

(From the judgement and order dated 29/04/2013 in FA No.417/2013 of The HIGH COURT OF BOMBAY)

NEW INDIA ASSURANCE CO. LTD.

Petitioner(s)

VERSUS

RAMANAND PRALHAD SINGH & ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief )

Date: 12/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

Mr. Pramod Dayal,Adv.

Mr. Nikunj Dayal,Adv.

Ms. Payal Dayal,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

1. Heard learned counsel for the petitioner.  
2. He submits that the Insurance Company is not liable to make good the amount of compensation when the respondent has suffered injury arising out of and in the course of employment. This submission cannot be accepted in view of the judgment of this Court in Ved Prakash v. Premi Devi and Ors. reported in AIR (1997) SC 3854.

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3. Learned counsel for the petitioner submits that under the third proviso to Section 30 of the Employee's Compensation Act, 1923, the Insurance Company should not be required to deposit the amount while preferring the appeal against the decision of Workmen's compensation Commission. In our view it follows from the liability of the Insurance Company under the Employees' Compensation Act that in case the Insurance Company wants to file an appeal on behalf of the insured person it has to deposit the amount required under the third to Section 30 of Employees' Compensation Act. Inasmuch as the deposit was not made by the Insurance Company, the High Court was right in dismissing the appeal filed by the Insurance Company.

4. The special leave petition is accordingly dismissed.

[SUMAN WADHWA]  
AR-cum-PS

[SNEH LATA SHARMA]  
COURT MASTER