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SLP(C)No. 22682 OF 2001

ITEM No.56

Court No. 2

SECTION XV
A/N MATTER

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 (Civil) No.22682/2001
(From the judgement and order dated 10/09/2001 in MFA 379/01
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MOHD. ISMAIL

Petitioner (s)

VERSUS

NAZIR AHMED-I-SAVANOOOR & ANR.

Respondent (s)

(With Office Report)

Date : 25/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Girish Ananthamurthy, Adv.
Mr. P.P. Singh, Adv.

For Respondent (s) No. 2. Mr. S L Gupta, Adv.
Mr. Ajay Sahai and Mr. Goodwill Indeevar,
Advs.

UPON hearing counsel the Court made the following
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Heard counsel for the parties from 12.35 P.M. to
1.00 P.M.

Special leave granted.

The appeal is allowed in terms of the signed
order.

(D.P. WALIA)
COURT MASTER

(S.L. GOYAL)
COURT MASTER

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1468 OF 2002@@
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[arising out of S.L.P.(C) No. 22682 of 2001]

Mohd. Ismail Appellant(s)

Versus

Nazir Ahmed-I-Savanoor & Anr. Respondent(s)

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Special leave granted.

The appellant was engaged as a driver. According to the facts found by the High Court, he was directed to go to Gokak and fetch the vehicle of the employer. While going to Gokak, he was travelling in a vehicle No. KA 27/5959 which met with an accident and as a result thereof he suffered some disability.

He received workman compensation amounting to Rs.1,56,996/- plus interest at the rate of 12 per cent which came to a sum of Rs. 1,89,597/-. This order was challenged by respondent No. 2-New India Assurance Co. Ltd. and the High Court came to the conclusion that the appellant who was employed as the driver of Truck No. 27/2753 which belonged to his employer, was not the driver of Truck No. 27/5959 which met with the accident and, therefore, no compensation was payable to him.

In our opinion, the High Court completely misdirected itself in focussing its attention on the ...2/-

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question as to whether the appellant was a driver of Truck No. 27/5959 or not. What is important to note here is that he was travelling in Truck No. 27/5959 while on duty as he was proceeding, under orders of his employer, to Gokak to fetch the truck of the employer which had been parked there. It was during the course of this journey that he suffered severe injuries which resulted in some permanent disability. Under the circumstances, he was entitled to compensation under the Workmen's Compensation Act.

We, therefore, allow this appeal, set aside the order of the High Court and restore the order of the Commissioner for Workmen's Compensation.

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.....J
(B.N. KIRPAL)

.....J
(ARIJIT PASAYAT)

New Delhi;
February 25, 2002.