



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 2244 of 2019

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2021
In R/FIRST APPEAL NO. 2244 of 2019**

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE J. C. DOSHI sd/-

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Approved for Reporting	Yes	No
		no
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UNITED INDIA INSURANCE COMPANY LIMITED

Versus

**SUSHILABEN PARESHKUMAR CHAUHAN WD/O PORUSKUMAR ALIAS
PARESHKUMAR AMARSINH CHAUHAN & ORS.**

Appearance:

MR PALAK H THAKKAR(3455) for the Appellant(s) No. 1
GANDHI LAW ASSOCIATES(12275) for the Defendant(s) No. 5
ROBIN PRASAD(9344) for the Defendant(s) No. 1,2,3,4
RULE SERVED for the Defendant(s) No. 6,7

CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 03/07/2026

JUDGMENT

1. Aggrieved by the judgment and order passed in Workmen Compensation (Fatal) Case No.09 of 2002 dated 25.06.2018 by the learned Ex-Officio Commissioner for the Workmen Compensation, Godhra, by which the learned Workmen Commissioner has awarded Rs.2,22,710/- with 12% yearly interest and additionally Rs.1,000/- for the funeral expense and



Rs.3,000/- for the cost of petition, directing all the opponents to pay the amount jointly and severally, the United India Insurance Company Limited, the insurer of Urja Engineers Private Limited, has preferred the appeal under Section 30 of the Workmen's Compensation Act, 1923.

2. Mr. Paresh Kumar (for short, 'the deceased') was working with the opponent for a monthly salary of Rs.3,000/- and was doing a job of riding tractor. On 24.02.2002, the deceased, by falling in a pond due to faulty work of the railing prepared by the opponent company, drowned and died. This fact is undisputed. This Court, therefore, does not burden the judgment by adding more facts. The claimants preferred a claim petition under the Workmen Compensation Act to claim Rs.3,34,065/- with interest and penalty.

2.1 As observed hereinabove, the learned Ex-Officio Commissioner for the Workmen Compensation, Godhra partly allowed the claim petition and granted the compensation of Rs.2,22,710/- with interest at 12% from 24.02.2000 till realization with additional amount of funeral expense and cost.

3. Learned Advocate Mr. Palak H Thakkar appearing for the United India Insurance Company Limited questions the legality and propriety of the impugned judgment on two grounds. Firstly, Urja Engineers Private Limited was joined as party-defendant. United India Insurance Company Limited does not owe any responsibility towards Urja Engineers Private Limited and no policy covering the risk of Urja Engineers Private Limited has



been purchased. Therefore, learned Workmen Compensation Commissioner has wrongly fastened the liability upon United India Insurance Company Limited.

3.1 Secondly, learned Advocate Mr. Palak Thakkar would submit that the policy which is placed on record, though was a workmen compensation policy, does not include a liability to pay the interest. The Workmen Compensation Commissioner did not peruse and appreciate the policy on record and erroneously fastened the liability of paying interest upon the appellant. Therefore, learned Advocate Mr. Palak thakkar submitted to allow this appeal and to quash and set aside the impugned order.

4. Learned Advocate Mr. Robin Prasad appearing for the original claimants opposed the impugned judgment and in addition thereto, he argued that it is a petty award and that the learned Workmen Compensation Commissioner has assessed the value of human life at Rs.2,22,710/-, which is a meager assessment of human life and therefore, such assessment should not be defeated on technicalities. He would further submit that in a written statement filed by the erstwhile Essar Steel Company Limited, it is specifically stated that Urja Engineers Private Limited had carried construction of the pond.

4.1 Learned Advocate Mr. Robin Prasad further submits that consequently in application Exh.28 was moved to join Urja Engineers Private Limited in place of Urja Construction along with joining the United India Insurance Company Limited as



party-respondent. The learned Workmen Compensation Commissioner has passed the order below Exh.28 on 11.11.2012 and Urja Engineers Private limited as well as United India Insurance Company Limited have been joined as party-defendants. They have contested the claim petition without contesting the order passed below Exh.28 and thereby, since they have participated in proceeding before the learned Workmen Compensation Commissioner, the contention that the Urja Engineers Private limited has been joined does not sustain. Therefore, learned Advocate Mr. Robin Prasad submitted to dismiss this appeal.

5. Learned Advocate Mr. Nisarg Desai appearing for erstwhile Essar Steel Company Limited submit that he is not questioning the legality or propriety of the impugned judgment and award. In addition thereto, he submits that erstwhile Essar Steel India Limited has been taken over by the Arcelormittal Nippon Steel India Limited and accordingly, Civil Application No.1 of 2021 has been filed by the Arcelormittal Nippon Steel India Limited for direction to delete them from the liability to pay the compensation in view of the provisions in Insolvency and Bankruptcy Code, 2016 (for short, 'IBC').

6. Having heard learned Advocate for both the sides and their counter submissions, it would appear that the order below Exh.28 joining Urja Engineers Private Limited and United India Insurance Company Limited dated 11.11.2012 has not been questioned or assailed by either of the parties i.e. Urja Engineers Private Limited or United India Insurance Company Limited, before the higher forum and as such that order attained the



finality. It would further appear that the Urja Engineers Private Limited, who has primary responsibility to pay the compensation, did not question the impugned judgment and order before this Court, on the ground of non-joinder of necessary party. It is only United India Insurance Company Limited, being insurer of Urja Engineers Private Limited, has come before this Court.

7. It is in this factual aspect, the first contention of learned Advocate Mr. Palak Thakkar that Urja Engineers Construction has been joined and not the Urja Engineers Private Limited, is repealed. The second contention that the policy does not contain a responsibility to pay the interest is also found poor on the ground that before the learned Workmen Compensation Commissioner, the terms and conditions of the policy was not produced. This appeals lacks merits and deserves to be dismissed.

8. Nonetheless, the amount involved in the dispute is less than Rs.5,00,000/-. The subject matter of the appeal is on the lower side i.e. less than Rs.5,00,000/- and therefore, considering the smallness of the award amount involved in the present appeal, the Court is not inclined to entertain the present appeal and has also found that there is no substantial question of law involved in the matter which permit the Court to entertain the appeal.

9. Consequently, the present appeal stands dismissed on aforesaid reasons. The judgment and award of the learned Workmen Compensation Commissioner impugned in this appeal



stands confirmed.

10. In these terms, the captioned civil application also stands disposed of. Interim relief stands vacated. Record and proceedings, if any, to be sent back to the trial court. The learned Workmen Compensation Commissioner shall disburse the amount of compensation awarded to the original claimants with accrued interest, if any.

PARMAR KRISH

sd/-
(J. C. DOSHI,J)