



# THE ROLE OF JUDICIARY IN PROTECTION OF EMPLOYEES/WORKER'S RIGHT UNDER EMPLOYEE'S COMPENSATION ACT, 1923

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The Indian Judiciary has made significant contributions to service law by interpreting labour laws. In order to safeguard workers and employees under the Employee's Compensation Act of 1923, the judiciary plays a crucial role. The judiciary is crucial in making sure that workers are protected and that they are compensated for sickness or injuries sustained at work. The judiciary is responsible for interpreting the Act's provisions and making sure they are applied in a fair and equitable manner. This entails figuring out the Act's boundaries, the obligations of employers and employees, and the kinds of sickness and injuries it covers. The judiciary also handles cases involving disagreements over remuneration between employers and employees. This involves figuring out how much money an employee who has contracted a disease or accident at work deserves in compensation. The judiciary has the authority to carry out the requirements of the Act and make sure that industry honour their commitments to compensate employees who have sustained work-related diseases or injuries. This includes punishing employers who violate the Act with fines, penalties, and other legal actions.

## THE FUNDAMENTAL RIGHT TO HEALTH AND MEDICAL CARE

The right to health and medical care to preserve one's health and vitality, whether while employed or after retirement, is a fundamental right of a worker under Article 21<sup>1</sup> read with Articles 39(e)<sup>2</sup>, 41<sup>3</sup>, 43<sup>4</sup>, 48-A<sup>5</sup>, and all

<sup>1</sup>Protection of life and personal liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.

<sup>2</sup>That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength

<sup>3</sup> Right to work, to education and to public assistance in certain cases: The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

<sup>4</sup> Living wage, etc., for workers: The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and

related Articles and fundamental human rights to give the workman's life meaning and purpose with dignity of person, the apex court ruled in *Consumer Education and Research Centre and others v. Union of India and others*<sup>6</sup>. The Court ruled that a worker's health and vitality should not be sacrificed in order to fulfil a compelling need to work in a sector of the economy that poses health risks for him and his dependents.

A right resulting from Article 21 is the right to health, which is the right to live in a safe, clean, and comfortable environment. A clean environment promotes a healthy body and mind. Unfortunately, many individuals work in hazardous, risky, and filthy conditions in order to make a living and serve the national interest. The Directive Principles of State Policy, in particular clauses (e) and (f)<sup>7</sup> of Article 39 and Articles 41 and 42<sup>8</sup>, provide the right to live with dignity, inscribed in Article 21, its lifeblood. These articles include fair and humane working conditions as well as the protection of workers health and vitality. Those are the absolute necessities for a person to be able to live with dignity. Every State owes it to its citizens to guarantee at least the bare necessities of human dignity.

In *Indian New Chronicle v. Mrs. Lazarus*<sup>9</sup>, an electrician who frequently had to travel from a cooling facility to a heating room was struck by pneumonia and passed away after a five-day illness. The injury in this case was caused by his working and moving from a heating room to a cooling plant as it was his vital duty since, according to the court, an accident-related injury is not limited to bodily injury.

Employees whose salaries exceed the ceiling limit set forth in the Employees' State Insurance Act of 1948 are not eligible for benefits under that act; instead, they are entitled to compensation under the Employees Compensation Act, 1923, according to the Madras High Court's ruling in *S. Palanivel v. Deputy Commissioner of Labour*<sup>10</sup>.

The High Court of Jammu and Kashmir ruled in *National insurance company vs. Dheeraj Singh and Others*,<sup>11</sup> that an employee may be entitled to compensation under section 4(1) (b) of the Employee Compensation Act, 1923 even if the injury that caused the disablement met the criteria for total disablement even though it was not a scheduled injury.

By referring to the definition of 'accident' as stated in Halsbury's Laws of England, the Tripura High Court held that an assault can be considered to be an accident since the assault was an unanticipated mishap or untoward

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full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas

<sup>5</sup> Protection and improvement of environment and safeguarding of forests and wild life: The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the Country

<sup>6</sup>(1995) 3 SCC 42

<sup>7</sup> That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

<sup>8</sup>Provision for just and humane conditions of work and maternity relief: The State shall make provision for securing just and humane conditions of work and for maternity relief

<sup>9</sup>AIR 1961 Punjab 102

<sup>10</sup>Delivered on 31 July 2020

<sup>11</sup>Judgement delivered on 7 August, 2020.

event that resulted in personal injury to the workman. This decision was made in the case of the Branch Manager, SBI General Insurance Company Limited v. Sri Dulal Debnath<sup>12</sup>.

In Nusrat Jahan v. The Managing Director<sup>13</sup>, the Karnataka High Court held that any payment made outside of Sections 8<sup>14</sup>, 28<sup>15</sup>, and 29<sup>16</sup> of the Employee's Compensation Act cannot be subtracted from the statutory compensation due under that Act. The court made this ruling after citing several precedents, including a recent decision of the High Court of Himachal Pradesh in the matter of State of Himachal Pradesh v. Guddi Devi<sup>17</sup>.

The Karnataka High Court further noted that it was obvious from Sections 8, 28, and 29 of the Employee's Compensation Act that no direct payment made to the deceased worker or dependents, including any payment in the nature of ex-gratia compensation, could be subtracted from the compensation awarded except in accordance with the procedure stated in the aforementioned sections, which, among other things, requires any such deposit to be made directly with the Commissioner.

NEKRTC v. Divisional Controller, Smt. Laxmi<sup>18</sup>, the Karnataka High Courts Single Bench, while relying on a ruling by the Karnataka High Court's Division Bench in the case of National Insurance Company Limited v. Smt. According to the ruling in the case of Balawwa<sup>19</sup>, if a person has a heart attack caused by their job's stress and strain and dies, it is unavoidably evidence of a heart injury and the event is an accident. However, if a worker has a heart attack while on the job, this constitutes an employment injury, making the employer liable for compensation under Section 3 read with Section 4 of the Employee's Compensation Act, 1923.

The Jammu and Kashmir High Court held that the word 'accident' is not a technical legal term with a clearly defined meaning in United India Insurance Company Limited v. Narinder Kour<sup>20</sup> by citing the ruling of its Co-ordinate Bench in the case of United India Insurance Company Limited v. Inder Jeet Kour. Any unwanted and unforeseen event that results in harm or loss is referred to as an accident. The only reason a death won't qualify as an accident is because it happened during the course of employment. In order to determine whether an accident occurred, the court outlined the following principles: (1) There must be a causal link between the injury, the accident, and the work performed in the course of employment. (2) The burden of proof rests with the applicant to demonstrate that the pressure brought on by the applicant's work caused the injury or made it worse. (3) The workman would be successful if the evidence submitted to the court shows a larger possibility that the work contributed to the development of the personal injury, but this would depend on the specifics of each instance.

<sup>12</sup>MFA(E/C) NO.05 OF 2019 decided on June 12, 2020.

<sup>13</sup>Misc. First Appeal bearing No. 200839/2017 (WC), decided on June 25, 2020

<sup>14</sup>Distribution of compensation

<sup>15</sup>Registration of agreements

<sup>16</sup>Effect of failure to register agreement

<sup>17</sup>FAO 201 of 2009

<sup>18</sup>Misc. First Appeal No.200122/2018(WC) decided on June 25, 2020

<sup>19</sup>1993 (2) Karnataka Law Journal 406 (DB)

<sup>20</sup>MA No. 51/2018 with IA Nos. 1, 2 and 3 of 2018 decided on August 21, 2020

In the case of the Manager, Sree Narayana Higher Secondary School v. Sumi, a Kerala High Court Single Bench decided the case based on the decision of the court's Division Bench in the case of Mayinkutty C. v. Parayil Balan Nair, it was decided that a contract worker would not be covered by Section 12 (Contracting) of the Employee's Compensation Act if they were not hired to perform work that was necessary for the principal employee's trade or business.

In Smt. The Karnataka High Court ruled in Sangeeta v. Sojar Logistics Private Limited<sup>21</sup> that, despite the claimants' own assertion that the deceased's monthly income was INR 6,000 (Rupees six thousand only), in view of the Central Government's notice No. Since a family today cannot be supported on just a meagre amount of INR 6,000/- (Rupees six thousand only) per month, S.O.1258(E), dated May 31, 2010, which increased the monthly wage of the workman to INR 8,000/- (Rupees eight thousand only) per month, it is simply to be considered that the monthly wage of the employee is INR 8,000/- (Rupees eight thousand only) per month.

The Madras High Court ruled in S. Palanivel v. Deputy Commissioner of Labour<sup>22</sup>, Salem that an employee who earns more than the ESI Act's ceiling limit and is therefore ineligible to file a claim for compensation under the ESI Act is still entitled to file a claim for compensation under the Employee's Compensation Act.

In National Insurance Company Limited v. Dheeraj Singh<sup>23</sup>, the Jammu and Kashmir High Court ruled that even if the cause of the disablement is not a scheduled injury but falls under the definition of 'total disablement', an employee is still entitled to compensation computed in accordance with Section 4(1) (b) (Amount of compensation) of the Employee's Compensation Act.

In United India Insurance Company Limited v. Narinder Kour<sup>24</sup>, the Jammu and Kashmir High Court held that cross objections in an appeal under Section 30 of the Employee's Compensation Act were appropriate because the provisions of Code of Civil Procedure, 1908, specifically Order 41 Rule 22, were not made applicable to those appeals. The Jammu and Kashmir High Court made this determination by citing several precedents, including the judgement of the Himachal Pradesh High Court in the case of Dwarku Devi v. Union of India<sup>25</sup>. It was held that the Employee's Compensation Act prohibits the Commissioner from granting interest at a rate lower than the minimum statutory interest required by Section 4-A(3)(a) of the Act (Compensation to be paid when due and penalty for default).

<sup>21</sup>MFA No. 201307/2018 (ECA) decided on June 26, 2020.

<sup>22</sup>M.A. Nos. 204 of 2020 and 2523 of 2017 decided on July 31, 2020.

<sup>23</sup>MA No. 140/2013 decided on August 7, 2020.

<sup>24</sup>MA No. 51/2018 with IA Nos. 1, 2 and 3 of 2018 decided on August 21, 2020

<sup>25</sup>2011 ACJ 2783.

The case of A. Kamal Basha v. Thiru. In P. Chandrasekaran<sup>26</sup>, the Madras High Court ruled that based on the employer's affidavit stating the employee's monthly income and the Central Government's Employee's Compensation Act, the court had the authority to determine a monthly compensation over that amount.

In United India Insurance Company Limited v. Jiyalal,<sup>27</sup>, the Allahabad High Court held that the claimant could not be permitted to take advantage of delays of his own making and earn interest on the award amount from the date of the award because it was clear from the application of the test of proportionality that he had failed to provide any justification for not approaching the tribunal within the time specified under Section 10 (Notice and claim) of the Employee's Compensation Act.

In the case of C.Manjamma and another v. the Divisional Manager the New India Assurance Company Limited<sup>28</sup>, the court determined that the deceased employee was 30 years old, employed as an auto-rickshaw driver, and passed away while performing his job duties as a result of cardiac arrest brought on by the strain and stress of his position. The wife and mother of the deceased workman received compensation in the amount of Rs. 4,15,960/- (Rupees four lakh fifteen thousand nine hundred sixty) along with interest at 12% per annum as a result of the judgement rendered by the High Court of Karnataka in this case. The High Court of Karnataka's judgement and the award made by the Labour Officer and Commissioner for Workmen's Compensation were both upheld by the honourable supreme court after they carefully considered the case's facts and the arguments made in favour of them.

In Indra Bai v. Oriental Insurance Company Ltd. & Another<sup>29</sup>, the Court determined that the Commissioner had determined the appellant to be unsuitable for work due to a complete loss of grasp in the left hand based on the medical certificate submitted by the Board. The appellant was employed as a labourer doing loading and unloading before the accident. The key question is whether she might be regarded qualified to carry out her duties as a loading/unloading labourer even if she could use her right hand. A pair of hands are typically used to complete this kind of activity. There is no information in the file that would indicate the appellant had the ability to complete any task with one hand. Additionally, there is not a situation where the appellant had the expertise to carry out her duties while operating machinery with just one hand. The decision of the Commissioner to award compensation by regarding the appellant's functional handicap as total in these circumstances, when the Board had certified that she was rendered unable for work, was not perverse.

As a result, the High Court did not need to evaluate any legal issues, much less important ones, in order to exercise its authority under Section 30 of the Act and allow the appeal. In our opinion, the High Court erred by partially overturning the Commissioner's ruling and calculating the disability at 40% rather than the

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<sup>26</sup>C.M.A. No.1651 of 2015 decided on August 24, 2020

<sup>27</sup>First Appeal from Order No. 1212 of 2020 decided on September 1, 2020

<sup>28</sup>Judgement delivered on 2022.

<sup>29</sup>2023) 07 SC CK 0036 **Date of Decision** : 17-07-2023

Commissioner's assessment of 100%. The appeal is granted for the grounds mentioned above. The High Court's ruling and order are annulled. The Commissioner's order has been reinstated. There is no cost-related hierarchy.

In *Mohd. Abdullah v. Manager, Trumboo Cement Industry Limited and Another*<sup>30</sup>, the court ruled that the employer, M/S Trumboo Cement Industries Private Limited, must deposit interest at a rate of 12% per year on the awarded amount to be calculated from the date of the accident, which is the 26th of July 2004, in the court's registry within two months of the date of judgement. The employer must also deposit an additional sum by way of payment in addition to the interest, as directed above. With the aforementioned observations and the directives, the workmen's appeals are dismissed. The sum of compensation, if any, deposited with this Court shall be disbursed in favour of the workmen after proper verification and identification.

According to the court's ruling in *Nirmla Devi & Others v. M/S Metro Industries & Others*<sup>31</sup>, the petition is allowed to the extent that the learned Commissioner is instructed to permit the examination of petitioner No. 1 as a witness in the application for a delay in filing the petition under Section 4 of the Employees Compensation Act. Furthermore, it is made clear that the petitioner No. 1 will only have one chance to testify in front of the learned Commissioner. The parties are required to appear before the knowledgeable Commissioner on 26.5.2023, when the knowledgeable Commissioner will set the following date for petitioner No. 1's examination. The petition has been dismissed. Any pending applications are also dismissed. Send back the learned Commissioner's records right away.

The court ruled in *United India Insurance Company Ltd v. Hari Lal & Ors*,<sup>32</sup> that the impugned order is affirmed and that the current appeal as well as the ongoing application are dismissed. Immediately release the compensation sum, if it hasn't already been. Please send the concerned learned Commissioner a copy of this ruling.

The court ruled in *M/S Lancers Network Ltd v. Rakhi Varma*,<sup>33</sup> that the interim order from October 5, 2018, is void. Insofar as the respondent's claim petition was granted, the contested order is upheld. Within two weeks of today, the appellant is required to deposit with the learned Commissioner the difference between the augmented amount of compensation and the compensation amount granted by the contested order, plus interest. The respondent should immediately receive the same, as well as any compensation already placed with the learned Commissioner. In the terms stated above, the appeal is dismissed.

In *United India Insurance Co. Ltd. v. Julekha Begum*<sup>34</sup>, the court determined that the argument made by the appellant's knowledgeable attorney was without substance and dismissed the appeal by upholding the trial court's

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<sup>30</sup>(2023) 07 J&K CK 0015 **Date of Decision** : 11-07-2023

<sup>31</sup> (2023) 05 SHI CK 0027 **Date of Decision** : 08-05-2023

<sup>32</sup>(2023) 05 DEL CK 0044 **Date of Decision** : 04-05-2023

<sup>33</sup>(2023) 04 DEL CK 0172 **Date of Decision** : 28-04-2023

<sup>34</sup> (2023) 04 GAU CK 0045 **Date of Decision** : 27-04-2023

decision. The appeal is ultimately denied. There is no cost-related hierarchy. According to the Trial Court's ruling, the claimant will receive the deposit money. Send down the LCR.

The court ruled in *New India Assurance Company Ltd v. Fulla Devi and Others*,<sup>35</sup> that the opposing party No. 3 must deposit the compensation amount of Rs. 5,41,910/- (Rupees five lacs forty one thousand nine hundred ten only) in this court without deducting any tax at source within one month of receiving a copy of this order; otherwise, legal action pursuant to Section 14-A(3)(b) of the Act must be taken. Only the fact that actions under Section 4-A (3)(b) of the Act must be taken against the insurer if it does not deposit the awarded sum within a month of receiving a copy of the judgement is noted in the appealed order. As a result, the appellant/insurer's complaint, as noted above, is premature. It is not the appellant's/insurer's case that a similar process has been brought against it to this point. The answers to substantive problems of law (i) and (iii) follow. The appeal is consequently dismissed, along with any pending miscellaneous application(s), if any, since, in light of the foregoing discussion, I see no merit in the appeal.

This Court does not find sufficient justification to overturn the assailed order in *Oriental Insurance Co Ltd v. Simarjeet Kaur & Ors*<sup>36</sup>. As a result, the appeal is denied. The previous Bench's order on 10/10/2019 has been revoked. The claimant should receive immediate access to the compensation money deposited with the learned Commissioner of Employees Compensation, as well as any interest that has accumulated on it. Within two weeks from today, the appellant must additionally deposit interest that was granted by the contested ruling; this interest will then be paid to the claimant. Application that is still pending is abandoned.

In *State of Madhya Pradesh and Others v. Domalal and Others*<sup>37</sup>, I.A.No.19/2022 is hereby denied because no justification, much less a substantial reason, has been presented to excuse the delay. Ex-consequencia, the appeal is likewise rejected since it is time-barred. Since the State Government officials are already found to have violated the law, this Court has already reached this determination. The public exchequer cannot be put under pressure just because State Government employees handled the matter carelessly, casually, or on purpose to give the respondents an unfair advantage by sleeping on the file. were careless or negligent. The compensation payment of Rs. 9,17,692/- has been deposited in accordance with the application for a delay pardon. The State of M.P.'s Chief Secretary is as a result. is instructed to conduct an investigation to determine who was/were the person(s) in charge of handling the case and failing to file the appeal before the deadline. The Chief Secretary is instructed to fix their liability and recover the sum of Rs. 9,17,692/- from such erring officer(s) in equal proportion after giving such erring officer(s) a chance to justify their actions. The State of M.P.'s Chief Secretary is required to present its action-taking report to the Registrar General of this Court within 60 days.

<sup>35</sup> (2023) 04 SHI CK 0099 **Date of Decision** : 25-04-2023

<sup>36</sup> (2023) 04 DEL CK 0091 **Date of Decision** : 20-04-2023

<sup>37</sup>(2023) 03 MP CK 0128 **Date of Decision** : 28-03-2023

The judgement and award dated 10.4.2019 passed by the learned Commissioner under the Employees Compensation Act, Labour Court at Chandrapur in Case No.W.C.A.16/2014 is hereby quashed and set aside to the extent that it absolves the Insurance Company from liability.(3) Respondent No.1 Balaji s/o Wasudeo Somankar, the owner of the vehicle, and respondent No.2 IFFCO TOKIO General Insurance C. In light of this, the first appeal is granted and dismissed informally without a cost order.

In the case of Gowardhan Madanlal Agrawal and Others v. Ramkumar Alias Munnilal Prajapati and Others<sup>38</sup>, the court issued the following rulings: (1) The judgement and award dated 3.10.2006 passed by the learned Commissioner for Workmen's Compensation at Amravati in Application (WCA) No.11/2002 to the extent of imposing a penalty of Rs.1,51,200/- upon appellants is quashed and set aside; and (2) The The rest of the ruling issued by the learned Commissioner below is upheld. There will be no order regarding expenses. The learned Commissioner below will hear the appellant after receiving an explanation.

The court ruled in New India Assurance Co Ltd v. Jogi Veko & Ors,<sup>39</sup> that the impugned order is invalid and that the matter should be returned to the competent Commissioner to be handled legally. The matter will be scheduled for listing on March 20, 2023, at the first instance. The sum that the appellant claims to have deposited will stay deposited and will depend on how the proceedings go before the learned Commissioner. Given that the incident occurred in 2016, the learned Commissioner will try to wrap up the case as quickly as possible, ideally within three months of the current date. In the terms stated above, the appeal is dismissed. Application that is pending is rejected. The concerned Commissioner be given a copy of this ruling for information.

In Oriental Insurance Company Ltd v. Rattani Devi and Others<sup>40</sup>, the court determined that the total reassessed amount now due to the claimant is Rs. 2,97,400/- plus interest at a rate of 12% per year starting on 28.11.2009, or one month after the accident, and continuing until the insurance company deposits the compensation amount on 29.05.2014, and thereafter at the applicable rate of interest. The appeal is dismissed in the manner stated above. The amount that is now payable to the claimant, after taking into account the amount that has already been paid to her, is ordered to be released in her favour, and the remaining amount is ordered to be refunded to the Insurance Company, as prayed for by learned Counsel for the parties. Additionally, any pending miscellaneous applications are dealt with appropriately.

The court ruled in Fertilisers and Chemicals Travancore Limited v. Sushama Kumari, W/o.Late V.N. Sasi,<sup>41</sup> that the compensation, commissioners order for funeral expenses is excessive and that the petitioners should receive Rs. 5,000 instead of the Rs. 25,000 granted. The rate of interest that must be paid is 12% annually. Therefore, the Compensation Commissioner's award would be modified for an amount of Rs. 33,40,641.75 and interest at a rate

<sup>38</sup>(2023) 03 BOM CK 0024 **Date of Decision** : 09-03-2023

<sup>39</sup>2023) 03 DEL CK 0079 **Date of Decision** : 07-03-2023

<sup>40</sup>(2023) 03 SHI CK 0008 **Date of Decision** : 03-03-2023

<sup>41</sup>2023) 03 KL CK 0118 **Date of Decision** : 02-03-2023



of 12% per year beginning on January 29, 2011, and continuing until the date of payment. As a result, the appeal will be partially upheld. No charges.

According to *M/S New India Assurance Co. Ltd v. Mahamulal and Others*<sup>42</sup>, the Court has ruled that (i) the appeal is partially allowed, and (ii) the judgement and award from W.A.C. No. 9/2000, made by the learned Commissioner for Workmen's Compensation Act and Civil Judge Senior Division, Osmanabad, stands modified to read as follows: Original respondents 1 and 2 shall jointly and severally pay the compensation amount to the claimants in the amount of Rs. 2,21,370/- along with

*Suraj Mukhi & Anr v. Delhi Tourism and Transportation Development Co-Operation*<sup>43</sup>, the court ruled that the appeal and the pending application are both dismissed. The penalty sum must be immediately deposited with the competent Commissioner, who will then release it to the claimant. The concerned Commissioner be given a copy of this judgement for information.

The court ruled in *Ningappa v. Shamimbanu & Others*<sup>44</sup> that the appeal is now partially allowed. The court also ordered that the judgement and award made in ECA No. 5/2016 by Senior Civil Judge & JMFC, Challakere on February 20, 2017, be modified as follows: The appellant herein is entitled to total compensation of Rs.97,603/-. Respondent No.2 is responsible for paying the compensation, and Respondent No.1 is responsible for paying interest at a rate of

The court ruled that the appeal in *Lakshamma & Others v. M/S Sampige Khan Estate Tanigebylu Village & Others*<sup>45</sup> is therefore partially permitted. The judgement and award passed by Senior Civil Judge & Principal JMFC, Tarikere in ECA No.17/2014 dated 08.03.2017 is ordered to be modified as under. The appellants herein are entitled for total compensation of Rs.6,12,360/-. Respondent No.2 is liable to pay the compensation and respondent No.1 is liable to pay interest at the rate of 12% per annum on the said amount from 01.07.2012 till realisation within three months from the date of this order. The Trial Court's ruling for apportionment and investment is upheld. The Trial Court will get a copy of the judgement and the records from Registry.

*Ajay Maurya v. Jitender Paliwal and Others*<sup>46</sup>, the court ruled that the appeal should be rejected. The interim order from August 21, 2017, has been revoked. The appellants deposit should be immediately released to the respondent. The concerned Commissioner be given a copy of this judgement for information.

The court ruled in *National Insurance Company Limited v. Omar Ali and Anr*<sup>47</sup> that the insurer should have been required to compensate Claimant/Respondent No. 1. Other issues have not been brought up in the appeal. As a result, the appeal is rejected. Return the LCR

<sup>42</sup>(2023) 02 BOM CK 0100 Date of Decision : 27-02-2023

<sup>43</sup>(2023) 02 DEL CK 0179 Date of Decision : 24-02-2023

<sup>44</sup>(2023) 02 KAR CK 0055 Date of Decision : 24-02-2023

<sup>45</sup>(2023) 02 KAR CK 0053 Date of Decision : 24-02-2023

<sup>46</sup>(2023) 02 DEL CK 0076 Date of Decision : 09-02-2023

<sup>47</sup>(2023) 01 GAU CK 0046 Date of Decision : 24-01-2023