

**(2006) 02 JH CK 0018**

**Jharkhand High Court**

**Case No:** Misc. Appeal No. 204 of 2005

The Divisional Manager, India  
Insurance Co. Ltd. and Others

APPELLANT

Vs

Sabitri Devi and Others

RESPONDENT

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**Date of Decision:** Feb. 27, 2006

**Citation:** (2006) 109 FLR 1125 : (2006) 2 JCR 235a

**Hon'ble Judges:** Rakesh Ranjan Prasad, J; M.Y. Eqbal, J

**Bench:** Division Bench

**Advocate:** Basav Chatterjee, for the Appellant; A. Anand, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

1. Heard the counsel for the appellant in the limitation matter being LA. No. 2504 of 2005. The delay in filing the appeal is condoned and the petition for condonation of delay. (LA. No. 2504 of 2005) stands disposed of.
2. This appeal is directed against the judgment and Award dated 30.5.2005 passed by the Commissioner in W.C. Case No. 21 of 2001, whereby a sum of Rs. 2,30,212.50 has been awarded on account of death of Arjun Ram, driver.
3. It has been disputed that Arjun Ram while driving the truck during the course of employment, received a severe heart attack resulting in this death.
4. Learned Counsel appearing on behalf of the appellant submitted that the Insurance Company is not liable to pay compensation in case of death of workman in course of employment unless he suffers physical injury.
5. We are not agreeable to accept the contention of the appellant. Admittedly, when a workman duly covered by the policy, died in course of employment, the Insurance Company cannot be exonerated from its liability for payment of compensation.

6. We do not find any merit in this appeal, which is, accordingly, dismissed.