

**IN THE COURT OF COMMISSIONER UNDER EMPLOYEE'S  
COMPENSATION ACT, 1923, CIRCLE- GURUGRAM, HARYANA**

- 1.
- 2.
- 3.
- 4.

..... Applicant

Versus

- 1.
- 2.
- 3.

..... Respondent

**Claim application under Employee's Compensation Act,  
1923**

Sir,

The applicants humbly submit as under:-

1. That the respondent No. 1 running her trade and business of transportation of goods all over India and at present residing and having office

---

As

---

mentioned in the title above. The respondent no.1 engaged \_\_\_\_\_ Son of \_\_\_\_\_ age- \_\_\_\_\_ (since deceased) as driver for his trade and business on the vehicle No. \_\_\_\_\_ on a monthly salary of Rs. \_\_\_\_\_/- to drive and loading and unloading the vehicle in question and help the driver in operation of the vehicle.

2. That the \_\_\_\_\_ (since deceased) was performing his duties as driver under the course of employment of the respondent No.1 on **Vehicle No.** \_\_\_\_\_ as per the instructions of the respondent no.1. On \_\_\_\_\_ the deceased met with an accident as detailed in the D.D. No. \_\_\_\_\_ dated \_\_\_\_\_ of P.S.- \_\_\_\_\_, while he was on duty as a Driver. As a result of accident the deceased sustained serious multiple injuries on his person during his course of employment on Vehicle No. \_\_\_\_\_ and died. After the accident the deceased was taken to the \_\_\_\_\_ Hospital, \_\_\_\_\_, where the post mortem was conducted.

3. That the deceased was the only breadwinner of his family. The applicants were solely dependent upon the income of the deceased being wife, mother, father and minor children of the deceased.

4. That the **Vehicle No.** \_\_\_\_\_ insured with the respondent no.2 comprehensively with additional Premium. The respondent no.2 being the insurer liable to pay statutory compensation under section 147(1) provided clause (i)(a) read with section 143 of Motor Vehicle act, 1988 alongwith treatment expenses under section 4(2A), costs under section 26 and interest @ 12 % per annum under section 4A(3) (a) from the date of

accident of Employee's Compensation Act, 1923 in case of death or bodily injury or permanent/partial disability to any employee i.e. driver/cleaner/conductor/labour during the course of his/their employment with the respondent No.1 on vehicle in Question. The Respondent No.2 is also liable to indemnify the insured in all sums including penalty under section 4A(b) of E.C. act, 1923 as the respondent no.2 also charged extra premium to pay the penalty in addition to the statutory liability under section 147 of the Motor Vehicle Act, 1988 for the employee/ Workman.

5. That the respondents have not paid/deposited any compensation to the applicants or the Commissioner, Under E.C. Act 1923 over the area in which the death occurred as per Employee's Compensation Act, 1923 after the incident /accident. Incident/accident and death of deceased are well within knowledge and notice of the respondent no.1 who has taken the vehicle from the police station and also assured the applicants that the police report not done and she compensate them, but later on refused.
6. That the present claim application filed within limitation and no other claim application filed in any other court.
7. It is therefore prayed that an award of Rs. \_\_\_\_\_ Lakh may kindly be awarded in favour of the applicants/defendants and against the respondents jointly and severally alongwith Funeral/Burrial, treatment expenses, costs, Penalty 50% of award amount and interest @ 12% per annum from the date of accident/death till the realization of the amount.

Any other relief, which this Court deems fit and proper may kindly also be granted in favour of the applicants.

Applicant/ Petitioners

Through Counsel:

IN THE COURT OF COMMISSIONER UNDER EMPLOYEE'S  
COMPENSATION ACT, 1923, CIRCLE- GURUGRAM, HARYANA

xxxxxx

Versus

yyyyyyyy

Claim application under Employee's Compensation  
Act, 1923

AFFIDAVIT

I, \_\_\_\_\_ W/o Late Sh. \_\_\_\_\_ resident of

\_\_\_\_\_,  
do hereby solemnly affirm and declare as under:-

1. That I am applicant in the above noted claim application.
2. That this is my sole claim application/ petition no other petition is pending in any other court of law.
3. That it is my true statement.

Deponent

Verification:-

Verified at Gurgaon on \_\_\_\_\_ that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Deponent