

P.J. Narayan vs Union Of India (Uoi) And Ors. on 8 August, 2003

Equivalent citations: I(2006)ACC159, 2004ACJ452, (2004)136PLR3, AIRONLINE 2003 SC 42, (2006) 1 ACC 159, (2005) 4 ACC 563, (2004) 1 PUN LR 3, 2006 (5) SCC 200, (2006) 3 LAB LN 770, (2004) 1 ACJ 452

Bench: S.N. Variava, H.K. Sema

ORDER

1. This writ petition is for the purpose of directing Insurance Company to delete the clause in the Insurance Policy which provides that in case of compensation under the Workmen's Compensation Act, 1923, the Insurance Company will not be liable to pay interest. We see no substance in the writ petition. There is no statutory liability on the Insurance Company. The statutory liability under the Workmen's Compensation Act is on the employer. An insurance is a matter of contract between the Insurance Company and the insured. It is always open to the Insurance Company to refuse to insure. Similarly they are entitled to provide by contract that they will not take on liability for interest. In the absence of any statute to that effect, insurance Company cannot be forced by Courts to take on liabilities which they do not want to take on. The Writ Petition is dismissed. No order as to costs.