

C.M.A.No.473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13.07.2026**

CORAM:

**THE HON'BLE MR. JUSTICE N. ANAND VENKATESH**

**C.M.A.No.473 of 2023**  
**and C.M.P.No.4698 of 2023**

The Branch Manager,  
Oriental Insurance Company Limited,  
Cuddalore N.T. Police Station,  
Bharathi Road,  
Cuddalore – 607 001.

... Appellant

Vs.

1. Sathiya
2. Minor Dhanush
3. Minor Priyadharashini  
(Minors rep. by natural guardian/mother Sathiya)
4. Valliyammal
5. Subramanian
6. S.Vanitha

... Respondent

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 30 of the Workmen Compensation Act, 1923, to set aside the order passed in E.C.No.121 of 2021 dated 16.12.2022 by the Commissioner for Workmen Compensation, Chennai and to dismiss the claim.

For Appellant : Mr.J.Chandran



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## **JUDGMENT**

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This civil miscellaneous appeal has been filed by the Insurance Company against the award passed by the Commissioner for Workmen's Compensation and Joint Commissioner of Labour – II, Chennai, in W.C.No.121 of 2021 dated 16.12.2022.

2. The first respondent is the wife, respondents 2 and 3 are the children and respondents 4 and 5 are the parents of the deceased, Elumalai. The case of the claimants is that the deceased, Elumalai, was working as a lorry driver and on 07.08.2020, he was driving a lorry on the Tindivanam-Puducherry main road and had parked the lorry at Auroville koot road. At about 08.30 a.m., when he was taking rest, he unfortunately suffered a major heart attack. When he was rushed to the hospital, he was declared dead. It is under these circumstances, the claim petition came to be filed before the Commissioner for Workmen's Compensation.

3. The Commissioner for Workmen's Compensation, on considering the facts and circumstances of the case and on appreciating the oral and documentary evidence, came to the conclusion that the deceased, Elumalai, died due to a heart attack in the course of his employment with



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the sixth respondent herein and that there was an employer-employee relationship between the sixth respondent and the deceased.

4. Having rendered the above finding, the Commissioner for Workmen's Compensation and Joint Commissioner of Labour – II fixed the total compensation at Rs.12,79,473/- and directed the insurance company to pay the compensation amount along with interest at the rate of 12% per annum. Aggrieved by the same, the insurance company has filed the present appeal before this Court.

5. Heard the learned counsel appearing for the appellant/Insurance Company. This Court has also carefully considered the materials available on record and went through the award passed.

6. The main ground urged on the side of the appellant/Insurance Company is that the deceased died due to a heart attack, which was a natural cause and not relatable to the employment and therefore, the claimants are not entitled to compensation. The learned counsel for the appellant also questioned the quantum of compensation fixed and directed to be paid to the claimants.



WEB COPY 7. When the appeal was taken up for hearing on 03.03.2023, this

Court admitted the appeal framing the following substantial questions of law:

*“a. Whether the order of the learned Commissioner that the death of said driver Elumalai in the course of the employment, since the claimant herself in the FIR stated the deceased already had heart attack?*

*b. Whether the order of learned Commissioner sustainable since death not in the course of or out of employment and the deceased died while sleeping after parking the vehicle due to heart attack?*

*c. Whether the claim is maintainable under employee's compensation Act since neither claimants nor owner not proved employer and employee relationship in the absence of trip sheet of lorry?”*

8. The only question that has been harped upon in the present case is that the deceased died due to a heart attack and the same is not relatable to the employment and as a result, the death cannot be construed to be out of or in the course of employment. The related issue is whether there was an employer-employee relationship between the sixth respondent herein and the deceased.

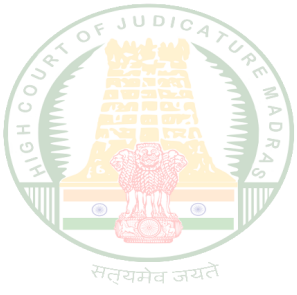


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WEB COPY 9. Insofar as the first question is concerned, it came out in evidence that the deceased was driving the lorry and he had parked the same to take rest, at which point of time, he suffered a heart attack. Obviously, the incident had taken place in the course of the employment. The finding rendered by the Commissioner in this regard does not suffer from any perversity. Considering the nature of the work as a lorry driver, it is certainly physical manual work which can result in fatigue and in this case, would also ultimately end with a heart attack.

10. Insofar as the relationship between the deceased and the employer is concerned, the employer has not chosen to contest the case. However, Ex.P6 has been marked, which shows that there was a valid insurance policy.

11. In the light of the above discussion, all the substantial questions of law framed by this Court are answered in favour of the claimants/respondents 1 to 5 and this Court does not find any ground to interfere with the award passed by the Labour Commissioner.



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12. The amount that has already been deposited by the appellant/Insurance Company shall be permitted to be withdrawn by the claimants, along with accrued interest, on due application.

13. In the result, this Civil Miscellaneous Appeal is dismissed.  
No costs. Consequently, connected miscellaneous petition is closed.

**13.07.2026**

Neutral Citation: Yes/No  
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To

1. The Commissioner for Workmen's Compensation  
and Joint Commissioner of Labour – II,  
Chennai.
2. The Section Officer,  
VR Section,  
High Court of Madras.



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**N. ANAND VENKATESH, J.**

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***13.07.2026***