

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.101 of 2015

and

M.P.No.1 of 2015

The New India Assurance Company Ltd.,
45, Moore Street, 2nd Beach Line,
Chennai - 600 001. ... Appellant/2nd Respondent

Vs.

1.K.Ramki @ Murugaiah ...1st Respondent/Petitioner
2.N.K.Sivakumar ...2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 30(1) of the Workmen Compensation Act against the order dated 15.09.2014 (received on 17.11.2014) passed in W.C.No.575 of 2005 on the file of the Commissioner for Workmen's Compensation-1 (Deputy Commissioner of Labour-1, Teynampet, Chennai - 600 006.

For Appellants : Mrs.G.Sukumari

For Respondents : Mr.F.Terry Chellaraja for R1

JUDGMENT

The appeal has been preferred by the appellant/Insurance Company against the award of Rs.3,14,891/- for the injury sustained by the 1st respondent, working as cleaner, under the 2nd respondent and he sustained injuries, while the lorry belonging to the 2nd respondent and another lorry got collided, causing accident. Therefore, claim petition.

2. The Workmen's Compensation Commissioner came to the conclusion, the accident occurred during the course of out of employment and awarded Rs.3,14,891/- as compensation. The said award is being challenged by the Insurance Company.

3. Heard Mrs.G.Sukumari, representing Mr.R.Sivakumar, learned counsel appearing for the appellant and Mr.F.Terry Chellaraja, learned counsel appearing for the 1st respondent.

4. Though the learned counsel for the appellant would submit that the accident occurred on 22.09.2005, on which date, there was no effective insurance coverage taken by the 2nd respondent, as the cheque submitted by the 2nd respondent on 21.09.2005 got bounced on 27.09.2005. However, a perusal of the award would disclose, no evidence was adduced on behalf of the appellant in proof of the said contention. That apart, the insurance is valid as long as it is not cancelled. It was cancelled only on 27.09.2005 and therefore, as on the date of the accident, the insurance was in force. Therefore, no question of law arises. Hence, the appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. In view of the dismissal of the appeal, the Workmen's Compensation Commissioner is directed to pay the entire amount to the 1st respondent/claimant within a period of one week from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Workmen's Compensation-1
(Deputy Commissioner of Labour-1,
Teynampet, Chennai - 600 006.

+1 cc to M/s. M. Malar, Advocate, Sr.6538
+ 1 cc to M/s. R. Sivakumar, Advocate Sr.6412

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GP(CO)
Eu 06.04.14

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