

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2015

CORAM

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

C.M.A.No.1272 of 2002
and Cross. Objec.No.90 of 2015

M/s.United India Insurance
Company Limited,
Divisional Office II,
Salem.

.. Appellant in
C.M.A.No.1272/2002

1.Muthulakshmi
2.Minor Priya
3.Singarammal
Minor rep. By 1st respondent
herein.

.. Petitioners in
Cros.Objec.No.90/2015

Vs.

1.Muthulakshmi
2.Minor Priya
3.Singarammal
Minor rep. By 1st respondent
herein.
4.V.Chandrasekaran.

.. Respondents in
C.M.A.No.109/2001

1.M/s.United India Insurance
Company Limited,
Divisional Office II,
Salem.

2.V.Chandrasekaran.

.. Respondents in
Cros.Objec.No.59/2005

Civil Miscellaneous Appeal filed under Section 30 of Workmen Compensation Act against the judgment and decree dated 30.10.2001 made in W.C.No.231 of 2000 on the file of the Commissioner for Workmen Compensation (Deputy Commissioner for Labour) at Salem.

Cross Objection filed under Order XLI Rule 22 of C.P.C. against the judgment and decree dated 30.10.2001 made in W.C.No.231 of 2000 on the file of the Commissioner for Workmen Compensation (Deputy Commissioner for Labour) at Salem.

For Appellant : Mrs.Sreevidhya

For Respondents: M/s.Kumaravelu for R1 to R3

JUDGMENT

While the Civil Miscellaneous Appeal is filed by the Insurance Company against the award of compensation of Rs.1,99,400/-, the Cross Objection is filed by the legal heirs of the deceased for enhancement of compensation.

2. In the Civil Miscellaneous Appeal filed by the Insurance Company, it is contended before this Court that the compensation ought to have been awarded after deducting Rs.1 Lakh paid towards personal accident coverage, whereas the learned counsel for the claimants would in the Cross Objection argue that the minimum monthly wages to be fixed during the relevant point of time is Rs.2,848/- per month and the same ought to have been adopted for the purpose of determining the total compensation due to the claimants and the Tribunal erred in fixing a sum of Rs.2,000/- per month and the same resulted in awarding lesser and inadequate amount as compensation.

3. This Court finds considerable bonafide in the arguments advanced on the side of the claimants and accordingly adopt a sum of Rs.2,848/- as monthly salary for the purpose of determining the total compensation.

4. At this juncture, both the learned counsel on record would submit that considering the total award of compensation so arrived at and considering the fact that sum of Rs.1 Lakh already paid towards personal insurance coverage, the award of Rs.1,99,400/- may be confirmed. In view of such statement made before this Court, the impugned award is confirmed.

5. In the result, the impugned award is confirmed in all respects. Civil Miscellaneous Appeal and Cross Objection are accordingly disposed of. The claimants are permitted to withdraw the entire amount already deposited on due application. No costs.

Vsm

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

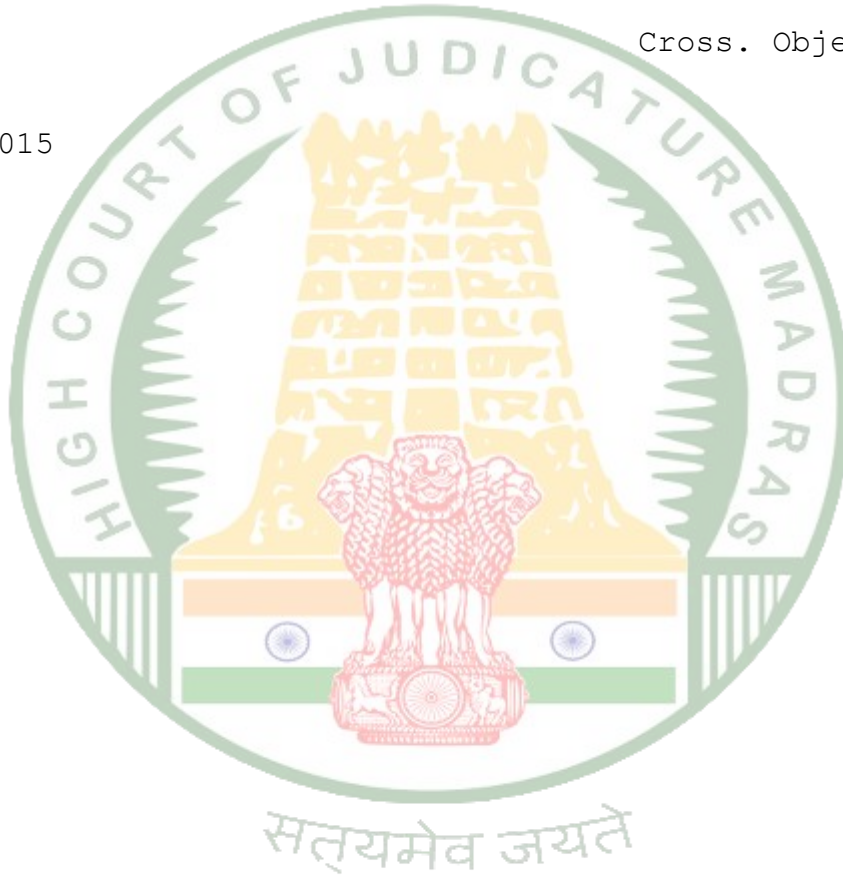
1. The Commissioner for Workmen Compensation
(Deputy Commissioner for Labour)
at Salem.

+1 C.C. To M/S.R.Sreevidhya, Advocate in SR.NO.46123

+1 C.C. To MR.V.Kumaravelu, Advocate in SR.NO.46067

C.M.A.No.1272 of 2002
and
Cross. Objec.No.90 of 2015

KM(CO)
sd : 19/10/2015



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