

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

CORAM:

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

C.M.A.No.1715 of 2006

Arulkumar

... Appellant

Vs.

P.Yuvaraj

... Respondent

Prayer : This Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order dated 31.10.2005 passed in W.C.No.198 of 2003 by the Deputy Commissioner of Labour-I (Commissioner for Workmen's Compensation-I), Chennai - 600 006.

For Appellant : M/s.M.V.Muralidharan

For Respondent : M/s.Parthasarathy

JUDGMENT

The first respondent before the Commissioner, Workmen's Compensation, is the appellant before this Court.

2. This Civil Miscellaneous Appeal is filed against the award of compensation of Rs.1,56,175/- to the claimant injured by denying the Employer and Employee relationship between the parties.

3. According to the claimant, he was on the date of accident employed as Machine Mechanic for monthly salary of Rs.4,000/- in the Gold Ornaments Manufacturing Company, at Door No.154, Strahands Road, Chennai - 12, owned by the appellant herein. The claimant has been, throughout, consistent in such claim made by him. It is stated so in the pre-claim legal notice in his claim petition and in his evidence as P.W.1 in the witness box whereas the respondent has come forward with different stand at different stage. While the respondent/appellant herein, in his Ex.R3-Reply notice, admitted that he is owning a shop, but, denied the employment of the claimant therein, he has, in the reply to the claim petition and in the witness box as R.W.1, come forward with the new case as if he was working as coolie and has not owned any shop, which is contrary to the stand taken in the reply notice. The claimant has, also when taken to the hospital, stated that he met with the accident in the course of his employment.

4. The combined appreciation of the consistent stand taken by the claimant and the contrary stand taken by the respondent/appellant herein would only compel this Court to negative the theory raised by the respondent/appellant herein. The Commissioner of Workmen's Compensation has also rightly accepted the claimant's case and upheld the employer and

employee relationship between the respondent and the claimant and also regarding the manner of accident. The earliest statement made by the claimant, that the accident occurred in the course of his employment and he sustained injuries in the course of such accident, is sufficient enough to uphold his claim for reasonable compensation for the injuries sustained by him in the accident occurred in the course of his employment.

5. Regarding the quantum of compensation awarded by the Commissioner, the same is but just and reasonable compensation and it does not warrant any interference.

6. In the result, the Civil Miscellaneous Appeal stands dismissed with liberty given to the claimant to withdraw the entire amount already deposited. No costs.

04.09.2015

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To

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

K.B.K.VASUKI, J.

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