

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No. 2585 of 2004

&

C.M.P. No. 15355 of 2004

The New India Assurance Co. Ltd.,
Salem. ...Appellant

Vs.

1. Raja
2. P. Raju ...Respondents

Prayer: Civil Miscellaneous Appeal filed u/s.30 of the Workmen's Compensation as against the order passed in W.C. No. 332 of 2001 dated 27.02.2004 on the file of the Commissioner for Workmen's Compensation, Salem.

For Appellant :: Mr.J. Chandran

J U D G M E N T

The appeal has been preferred by the Insurance Company as against the award passed by the Commissioner for Workmen's Compensation for the injuries sustained by the 1st respondent while working as a cleaner under the 2nd respondent during the course of employment.

2. Heard Mr.J. Chandran, learned counsel for the appellant.

3. The only question to be decided is whether the claimant sustained injuries during the course of employment and that is the question of law raised at the time of admission.

4. The claimant, after having meals in a hotel, went to his owner's house, in a two-wheeler. At that time, the accident occurred and he sustained injuries. Based on the evidence of the claimant, in the absence of any contra evidence on the side of the owner and the Insurance Company, the Tribunal found that the accident occurred during the course of employment. The said finding is based on evidence. Therefore, the question of law is answered against the

appellant and in favour of the 1st respondent. The Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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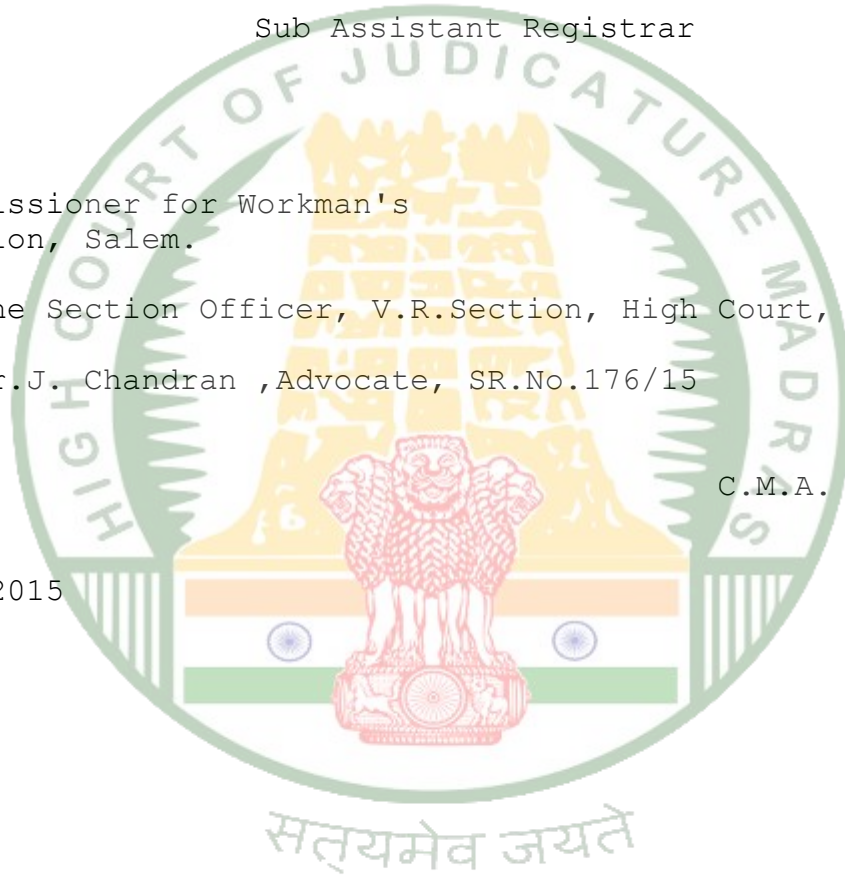
The Commissioner for Workman's
Compensation, Salem.

Copy to: The Section Officer, V.R. Section, High Court, Madras-104.

1 cc to Mr. J. Chandran, Advocate, SR.No.176/15

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