

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL MISCELLANEOUS APPEAL No.857 of 2008

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JUDGMENT:-

This Civil Miscellaneous Appeal under Section 30 of the Workmen's Compensation Act, 1923 presently known as Employees' Compensation Act, 1923 ('the Act', for brevity) by the unsuccessful second opposite party/insurance company is directed against the order dated 29.09.2007 of the learned Commissioner for Workmen's Compensation—cum-the Assistant Commissioner of Labour, Eluru passed in W.C.No.26 of 2006.

2. I have heard the submissions of the learned counsel for the appellant/second opposite party ('the second opposite party', for brevity) and the learned counsel for the respondents 1 to 4/applicants 1 to 4 ('the applicants', for brevity). None appeared for the fifth respondent/5th applicant and the sixth respondent/first opposite party. I have perused the material record.

3. The facts that lead to the filing of the present appeal by the second opposite party may be stated, in brief, as under:-

The first applicant, who is the wife of the deceased Sahadevaraju ('the deceased', for brevity) and his other legal representatives i.e., his two minor sons and parents together filed the W.C case claiming Rs.3,00,000/- as compensation for the loss sustained by them due to the untimely death of the said deceased due to his involvement in a motor vehicle accident that had occurred on 08.12.2004 out of and during the course of his employment as a labourer on the tractor-trailer of the first opposite party bearing registration nos. AP 37 V 1784 and AP 37 V 1785 and insured with the second opposite party. The first opposite party had remained *ex parte* before the learned Commissioner. The second opposite party having filed a counter had resisted the application of the applicants on various grounds. On the

