

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.M.A.No.2118 of 2002

M/s.United India Insurance Company Ltd.,

Branch – II, Salem-1.

... Appellant

Vs.

1. P.Mathaiyan

2. S.Kalaimani.

... Respondents

Prayer : Civil Miscellaneous Appeal preferred under Section 30 of the Workmen Compensation Act, against the order made in W.C.No.350/2000 dated 15.04.2002 on the file of the Commissioner for Workmen Compensation (Deputy Commissioner for Labour), Salem.

For Appellant : Ms.N.Mala

For Respondents : No Appearance

J U D G M E N T

The Insurance Company has preferred this appeal against the award passed by the Tribunal for compensation, challenging the quantum of award amount.

2. The undisputed fact is that the claimant P.Madhaiyan, who is the first respondent herein, was working as a driver in the lorry of the second respondent herein and in the course of his employment, he had suffered injury, for which he made a claim of Rs.3,00,000/- under Workmen Compensation Act and the Deputy Commissioner, had granted a sum of Rs.65,073/- and directed the same to be deposited to the claimant with interest at 12%.

3. The notice in this case has not yet been served on the respondents. It is seen from the records provided by the Registry that notice taken on the respondents was returned as "unserved" and subsequently, no steps have been taken to serve notice. Since the accident that led to the claim had taken place on 30.06.2000 and the impugned award itself was passed on 15.04.2002, this Court proceeded to hear the counsel for the appellant to ascertain the merit of its case without proceeding on the need to serve notice on the respondents. On hearing the learned counsel for the appellant and for the conclusion I arrived, I consider that it is not necessary to serve notice in a case that is pending for 14 years in this Court.

4. The learned counsel for the appellant submitted that the claimant's injury was not a scheduled injury and therefore, it does not deserve to be compensated at the rate adopted by the Commissioner.

5. I perused the papers. I find no infirmity in the matter and therefore, I confirm the impugned award and dismiss this appeal without costs. The Insurance Company is directed to deposit the amount awarded with interest at 12% p.a., less amount, if any already deposited, whereupon the claimant would be permitted to withdraw the same forthwith.

08.12.2016

kmi

To

1. The Commissioner for Workmen Compensation,
(Deputy Commissioner for Labour),
Salem.
2. The Record Keeper,
V.R.Section,
High Court, Madras.

N.SESHASAYEE,J.

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