

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HON'BLE MR.JUSTICE N. SESHASAYEE

C.M.A.No.2723 of 2003
and CMP.No.3136 of 2004

The New India Assurance Company Limited,
Annapoorna Building,
Main Road, Mettupalayam,
Coimbatore.

..

Appellant

Vs

1.Ranganathan
2.R.Sadhasivam

..

Respondents

Prayer : Civil Miscellaneous Appeal preferred under Section 30 of the Workmens' Compensation Act 1923 against the order dated 3rd May 1993 made in W.C.No.98 of 1992 on the file of the Commissioner for Workmens' Compensation (Deputy Commissioner of Labour) Coimbatore.

For Appellant	: Mr.M.Krishnamoorthy
For Respondents	: R1 – Died
	R2 – No appearance

JUDGMENT

The Insurance Company has preferred this appeal challenging the order of Commissioner of Workmens' Compensation (Deputy Commissioner of Labour) Coimbatore in W.C.No.98 of 1992.

2. This appeal is filed by the insurance company whereunder it challenges the order of the Deputy Commissioner Labour passed under Workmen Compensation Act. The short sketch of the facts that leads to this appeal is that the claimant/first respondent, who is reported dead during the pendency of this appeal in 2007, was working as a conductor in a Lorry Transport Company and in an accident that took place on 23-09-1989, he suffered major injuries that resulted in amputation of his right leg below the knee. For the accident that had taken place on 23-09-1989, FIR was registered on 02.10.1989 and total compensation of Rs.33,045/- with interest @ 6% per annum was awarded by the Commissioner of Workmen's Compensation (Deputy Commissioner of Labour), Coimbatore Vide his impugned order dated 03-05-1993.

3. The only point canvassed before this Court on behalf of the appellant was that the Commissioner appeared to have acted solely on the pleadings of the claimant and did not advert to the evidence or more specifically the lack of it, and has ordered compensation without adequate proof.

4. On 16-11-2016, it was reported before this Court that the claimant Ranganathan had died even in 2007, and his legal representatives are yet to be brought on record. However, after hearing the learned counsel for the appellant and having arrived at the conclusion to be spelt out below, I decide to dispose of this appeal without in any way affecting the rights already

accrued to the claimant.

5. Admittedly, the accident had taken place on 23.09.1989, some 27 years from today. To entertain an argument such as the one advanced at this distant point of time would be a travesty of justice more so when accident *per-se* is not disputed nor the contention of the claimant, now dead, that he was an employee at that relevant time.

6. The amount awarded is only Rs.33,045/- and it is stated to have been deposited. I do not find any merit in the appeal and hence the same is dismissed without costs. Consequently, connected miscellaneous petition is closed. If the claimant/first respondent has not withdrawn the amount in deposit, his legal representatives are permitted to withdraw the same upon showing necessary materials to the satisfaction of the authority that they are the legal representatives of the deceased.

05.12.2016

ds

To:

The Commissioner of Workmens Compensation
Deputy Commissioner of Labour
Coimbatore.

N. SESHASAYEE.J,

ds

C.M.A.No.2723 of 2003
and Cross Appeal No.66 of 2009

05.12.2016
<http://www.judis.nic.in>