

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM :

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CMA.No.2757 of 2004
and
C.M.P.No.15957 of 2004

The New India Assurance Co., Ltd.,
37, 1st Avenue,
Indira Nagar, Adyar, Chennai-20.

... Appellant

Vs.

1.T.P.Murugan

2.The Chief Engineer
Tamil Nadu Government Highways and
Rural Works Department,
Chepauk, Chennai-5.

3.M/s.K.S & Co., Ltd.,
Contractors Madurai - 625 020.
Now having office at
22, Seventh Cross Street,
Sasthri Nagar, Adyar, Chennai-20.

... Respondents

PRAYER: Petition filed under Section 30 of Workmen Compensation Act, 1923 against the order dated 17.10.2003 made in WC.No.9 of 2000 by the Commissioner for Workmen's Compensation - II, (Deputy Commissioner of Labour - II), Chennai - 600 006.

For appellant : Mr.C.Ramesh Babu

For respondents : Mr.K.G.Senthilkumar for R1.
R2- Served - No appearance

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JUDGMENT

The Civil Miscellaneous Appeal is filed against the order dated 17.10.2003 made in WC.No.9 of 2000 on the file of the Commissioner for Workmen's Compensation - II, (Deputy Commissioner of Labour - II), Chennai.

2. The learned counsel for the appellant/insurance company vehemently contended that the Commissioner for Workmen's Compensation without considering the evidence adduced on the side of the appellant, awarded the compensation of

Rs.1,16,251/-. Hence the compensation awarded by the Workmen Commissioner has to be reduced and appropriate compensation has to be awarded to the respondent.

3. Heard the learned counsel for the appellant/Insurance company and the learned counsel for the first respondent and perused the entire records.

4. The perusal of the order passed by the Commissioner for Workmen Compensation, the workmen commissioner has fixed the age of the claimant as 26 years and fixed the correct monthly income as Rs.2,000/-p.m. and assessed 45% towards permanent disability and awarded a sum of Rs.1,16,251/- towards compensation.

5. This Court, finds there is no illegality, infirmity or perversity in the order passed by the Workmen Commissioner which do not warrant any interference by this Court. Since, the Workmen Commissioner has fixed the appropriate compensation to the claimant, this Court finds there is no merit in the appeal filed by the appellant/insurance company and the appeal deserves to be dismissed and the same is hereby dismissed.

6. In the result, the civil miscellaneous appeal is dismissed, by confirming the order dated 17.10.2013 passed by the Commissioner for Workmen's Compensation - II, (Deputy Commissioner of Labour - II), Chennai. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner for Workmen's Compensation - II,
(Deputy Commissioner of Labour - II),
Chennai 06.

Copy To

The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.C.Ramesh Babu, Advocate, S.R.No.65677

C.M.A.No.2757 of 2004

SS(CO)
CA(19/12/2016)

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