

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM

THE HON'BLE MR.JUSTICE N. SESHASAYEE

C.M.A.No.4 of 2004

and CMP.No.28 of 2004

National Insurance Company Ltd.,
Branch Office II
Erode -11.

.. Appellant/II OPP.Party

Vs

1.Chitra
2.Mahendran
3.Minor Balaji
4.Minor Priya

Minors represented by mother & NF Chitra

5.Umadevi .. Respondents/Applicants 1 to 4
& Ist OPP.Party

Prayer : Civil Miscellaneous Appeal preferred under
Section 30 of the Workmen's Compensation Act, 1923
against the order made in W.C.No.230 of 1997 dated
23.10.2000 on the file of Commissioner for Workmen's
Compensation, Deputy Commissioner of Labour, Salem.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : No appearance

JUDGMENT

The appeal has been filed by the Insurance Company
against the award dated 23.10.2000 in the Workmen
Compensation claim for Rs.1,66,290/- for the death of one
P.Varadharaj, in favour of his widow and three children
of the deceased for the claim.

2.The occurrence was on 16.07.1997 and it is now
more than two decades. Although the appellant has been
taking steps to serve notice, this Court finds no purpose
to further adjourn and keep the appeal pending for
service of notice.

3. The matter involves a factual question as to
whether the death was due to the employment and in the
course of employment, the Deputy Commissioner of Labour
has given a factual findings in favour of the claimants

based on his appreciation of evidence . Such findings cannot, in the view of this Court, be overturned in view of the limited scope of appeal permissible under Section 30 of the Workmen's Compensation Act.

4. In view of the above, as no purpose would be served by further delaying disposal, this Court is inclined to dismiss the appeal. Accordingly, the appeal stands dismissed, but without costs.

ds

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1 The Commissioner for Workmen's Compensation,
Deputy Commissioner of Labour,
Salem

2 The Section Officer, V.R.Section, High court,
Madras-104.

+1cc to M/S N.Vijayaraghavan, Advocate Sr.72034

C.M.A.No.4 of 2004

MSM(CO)

RVR 10/01/2017

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