

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MA No. 1433 of 2005**

Century Textiles and Industries Ltd.

---- Appellant

Versus

Smt. Radha Bai Verma & Others

---- Respondents

For Appellant	:	Shri Ashish Shrivastava and Shri Afroz Khan, Advocates.
For respondents	:	Shri NK Vyas, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/09/2017**

1. This is an appeal under Section 30 of the Workmen's Compensation Act, 1923, against the award dated 13.10.2005 passed by the Commissioner for Workmen's Compensation, Labour Court, Raipur, in case No.WC.1/B/126/WC Act/03/Fatal. Vide the impugned award the Tribunal has awarded compensation of Rs.2,99,340/- to the claimants. It was further directed that in the event if the amount is not deposited, the entire amount shall carry interest @ 10 percent per annum from the date of accident.
2. The appeal was filed in the year, 2005. The order sheet reflects that entire award amount has been ordered to be released to the claimants in the year, 2005 itself with condition of furnishing solvent surety. The appeal has been filed on the ground that deceased had not died because of accident arising out of or in the course of employment, but it was occurred a natural death, and therefore, the provisions of Workmen's Compensation Act shall not be applicable and the claimants shall not be entitled for any compensation.

3. However, taking into consideration the fact that the deceased was a Crusher attendant working in the night shift and in the process or during the course of his employment he suffered chest pain as a result of which he succumbed subsequently. The admitted fact that he was in the course of employment particularly in the odd hours of night and his nature of work as a crusher attendant, provides sufficient indication of the fact that because of the stress and strain that he must have occurred during the course of employment he must have suffered a cardiac attack and thereafter must have succumbed. This being the factual aspects, this court is of the opinion that the findings arrived at by the Labour Court can be safely held to be pure finding of fact and the contentions put forth by the counsel for the appellant would not fall within the ambit of substantial question of law. Even otherwise, it will be too harsh now after 12 years from the date of award to set aside the same.
4. Thus, the appeal being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P.Sam Koshy)
Judge