

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HON'BLE Mr. JUSTICE R.SUBRAMANIAN

C.M.A. No.2635 of 2017

and

C.M.P.No.14478 of 2017

United India Insurance Co.,Ltd.,
No.134, Sillingi Buildings,
Greems Road,
Chennai-600 006. ... Appellant/2nd Respondent

..Vs..

1.A.Anbarasan
2.T.Saravanan

.. Respondents/Petitioner/1st Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 30(a) of Workman Compensation Act, against the judgement and decree dated 23.07.2015, and received on 27.11.2015 in W.C.No.34 of 2013 on the file of Commissioner for Workmen's Compensation (DCL-II) at Chennai.

For Appellant : Mr.C.Paranthaman

JUDGEMENT

This appeal has been filed by the Insurance Company challenging the award of the Commissioner for Workmen's Compensation in W.C.No.34/2013, granting a sum of Rs.2,44,760/- [Rupees Two Lakhs Forty Four Thousand Seven Hundred and Sixty Only] as compensation for the injuries suffered by the Claimant in the accident which occurred during the course of his employment.

2.The owner of the vehicle viz., the first respondent remained ex-parte before the trial Court. The Insurance Company had filed a counter denying the existence of the policy, validity of the driving license, permit, Fitness Certificate etc., of the vehicle involved in the accident.

3.The Insurance Company has not examined any person in support of its claim. The Claimant, apart from examining

himself, had produced the R.C.Book, Insurance Policy, Driving License relating to the vehicle. Therefore, the Tribunal relying upon the said documents, has come to the conclusion that the accident had occurred in the course of the employment of the Claimant.

4.On the quantum of compensation, it is contended by the learned counsel that the percentage of disability assessed by the Doctor is on the higher side. The Wound Certificate has been marked as Ex.P-9. From the Wound Certificate, it is seen that there was a fracture of a bone in the left ear and due to that fracture, the hearing capacity of the Claimant has been reduced, which according to the Doctor is more than 32% permanent disability. The Tribunal on the consideration of the evidence has concluded that the loss of earning capacity of the Claimant is 27%. Based on the injuries and the factor under the Schedule to the Workmen's Compensation Act, the Tribunal has worked out the compensation as above.

5.I do not find any illegality or irregularity in the said award. Under Section 30 of Workman Compensation Act, an appeal could be entertained by this Court only if there is a substantial question of law involved. I do not find any question of law involved in this appeal for consideration. Hence, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

KP

To

The Commissioner for Workmen's
Compensation (DCL-II),
Chennai.

+1cc to Mr.C.Paranthaman, Advocate Sr. 61372

C.M.A. No.2635 of 2017

KK (CO)
VR(18/09/2017)