



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.07.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD)No.945 of 2011

The Branch Manager,
United India Insurance Company Limited,
74-A, Salai Road, Uraiyur,
Thiruchirapalli.
No.2

... Appellant/Respondent

Vs.

1.Tmt.Lakshmi	... 1 st Respondent / 1 st Petitioner
2.Minor Suresh	... 2 nd Respondent/2 nd Petitioner
3.Minor Kaviyalagan	... 3 rd Respondent/3 rd Petitioner
4.Minor Murugesan	... 4 th Respondent/4 th Petitioner
5.Minor Krishnamurthy	... 5 th Respondent/5 th Petitioner
6.Pottu	... 6 th Respondent/6 th Petitioner
7.Thiru.Sampathkumar	... 7 th Respondent/Respondent No.1

(Minor respondents 2 to 5 represented through their mother and natural guardian 1st respondent Tmt.Lakshmi)

PRAYER: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order passed in W.C.No.114 of 2007, dated 10.12.2008, on the file of the Deputy Commissioner for Workmen's Compensation, Trichy.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant/Insurance Company Limited against the award passed in W.C.No.114 of 2007, dated 10.12.2008, on the file of the Deputy Commissioner for Workmen's Compensation, Trichy.

2. It is a case of fatal accident that took place on 20.10.2006, in which, the Loadauto bearing Registration No.TN-55-P-0834, which is insured with the appellant-Insurance Company, turned-turtle and the deceased, who was working as Cleaner, was dead.

<https://hcservices.ecourts.gov.in/hcservices/> The claimants filed an application in W.C.No.114 of 2007, dated 10.12.2008, on the file of the Deputy Commissioner for Workmen's Compensation, Trichy, seeking compensation.



4. On the side of the claimant, one witness was examined as P.W.1 and 7 documents were marked as Ex.P1 to Ex.P7 and on the side of the respondents, two witnesses were examined as D.Ws.1 and 2 and marked two documents as Ex.D.1 to Ex.D.2.

5. On consideration of the evidence available on record, the Deputy Commissioner of Labour, Trichy, has awarded a sum of Rs.3,65,977/- and the same was directed to be deposited by the Insurance Company, the appellant herein, within thirty days from date of receipt of a copy of that order, failing which, they should deposit the same with interest at the rate of 12%. Aggrieved over the said award, the Insurance Company is before this Court.

6. At the outset, the learned counsel for the appellant would mainly argue that there is no policy coverage for the loadman in the 7th respondent's three wheeler auto and therefore, the Deputy Commissioner ought to have exonerated the appellant company from the liability. He would also submit that the entire award amount has already been deposited and the same was withdrawn by the claimants.

7. Keeping the submissions made by the learned counsel for the appellant Insurance Company, I have carefully perused the materials available on record and I do not find any infirmity in the order passed by the Commissioner in awarding the compensation. Also, considering the fact that entire award amount has already been deposited and the same was withdrawn by the claimants, I am of the opinion that no interference is necessary in the award passed by the Deputy Commissioner of Labour, Madurai.

9. In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar.

To

The Deputy Commissioner for Workmen's Compensation,
Trichy.

+1CC to Mr.C.Jawahar Ravindran, Advocate, SR.No. 67747

C.M.A (MD) No.945 of 2011