

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

C.M.A. No.114 of 2006

JUDGMENT:

The Opposite Party No.1 is the present appellant. Aggrieved over the liability fastened on it by the Commissioner appointed under Workmen's Compensation Act, 1923 and Assistant Commissioner of Labour, Circle-I, Visakhapatnam, in his order dated 15.5.2004 in Case No.WC.11/2003 directing to pay the compensation of Rs.2,62,164/- for the injuries sustained by the applicant, who is the 1st respondent herein, while exonerating the 2nd respondent-Insurer (Opposite Party No.2.), the present appeal is preferred under Section 30 of the Workmen's Compensation Act, 1923.

2. Heard Sri K. Raghava Charyulu, learned counsel for the appellant, Sri Jayanthi S.C. Sekhar, learned counsel for the applicant-respondent No.1, and Sri P. Bhanu Prakash, learned counsel for the 2nd respondent-Insurer. There is no representation for the 3rd respondent.

3. Various grounds have been agitated in the appeal, besides formulating substantial questions of law in paragraph-9 of the grounds.

4. But, the only short point that arises for consideration is, whether the applicant was a 'cleaner' or 'mechanic' as contended?

5. Admittedly, the policy issued by the 2nd respondent does not cover the risk of 'mechanic'. In the claim petition filed by the applicant, he has clearly described himself as 'mechanic' but not 'cleaner'. Precisely, that was the ground for dismissal of the application.

6. Hence, there is no merit in the appeal, and, accordingly, the same is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Civil Miscellaneous Appeal shall stand closed.

Dt. 29.08.2017
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A. SHANKAR NARAYANA, J

