

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2181 of 2010  
and M.P.No.1 of 2010

1. Malliga
2. Alagesan
3. Rajeswari

... Appellants

Vs.

1. The Deputy Commissioner of Labour  
For Workmen Compensation, Salem.
2. Chinnaminiammal
3. The Branch Manager,  
The New India Assurance Co.Ltd,  
No.317, TTK Road, Alwarpet,  
Chennai - 600 018.

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1925, against the order dated 30.06.2010 made in Va.E.Pa.No.182 of 2010 on the file of the Commissioner for Workmen's Compensation, Salem.

For Appellants : Mr.R.Selvakumar

For 2<sup>nd</sup> Respondent : Mr.N.C.Ashok Kumar for  
Mr.C.Jagadish

J U D G M E N T

Aggrieved over the apportionment of compensation awarded by the Commissioner for Workmen's Compensation, Salem, dated 30.06.2010 made in Va.E.Pa.No.182 of 2010 under the Workmen's Compensation Act, the parents of the deceased have preferred this Civil Miscellaneous Appeal.

2. For the death of one Raja, his wife and parents have laid a claim under the Workmen Compensation Act. The authority under Workmen's Compensation Act, awarded a sum of Rs.3,92,372/- (Rupees Three lakh ninety two thousand three hundred and seventy two only) towards compensation. Later in his proceedings No. Va.E.Pa.No.182 of 2010 dated 30.06.2010, the apportionment of

compensation has been awarded as under:-

| S.No  | Name/Relationship    | Age         | Awarded amount<br>(Rs.) |
|-------|----------------------|-------------|-------------------------|
| 1.    | Chinnaminiammal/Wife | 26<br>years | 3,17,372<br>.00         |
| 2.    | Malliga/Mother       | 46<br>years | 25,000.00               |
| 3.    | Alagesan/Father      | 51<br>years | 25,000.00               |
| 4.    | Rajeswari/Sister     | 21<br>years | 25,000.00               |
| Total |                      |             | 3,92,372.00             |

3. According to the appellants, the apportionment is very low. Considering the age of the parents and dependent sister, the apportionment of compensation should be more than the amount awarded. At least 40% of compensation should have been apportioned in favour of the parents and sister.

4. Per contra, the learned counsel appearing for the 2<sup>nd</sup> respondent/wife would contend that the 2<sup>nd</sup> respondent/wife lost her husband in her prime age of 26 years, and therefore, she must be given major share.

5. I have considered the contentions made by the learned counsel appearing for both parties.

6. In so far as the mother is concerned, she lost her only son and therefore, this Court is of the considered view that the award of compensation should have been little higher than what was awarded. Secondly, the father is also equally entitled for enhanced compensation.

7. Considering the factual circumstances of the case, the apportionment of compensation is modified as under:-

| S.No  | Name/Relationship    | Modified amount<br>(Rs.) |
|-------|----------------------|--------------------------|
| 1.    | Chinnaminiammal/Wife | 2,57,372.00              |
| 2.    | Malliga/Mother       | 60,000.00                |
| 3.    | Alagesan/Father      | 50,000.00                |
| 4.    | Rajeswari/Sister     | 25,000.00                |
| Total |                      | 3,92,372.00              |

8. The parties are entitled to withdraw their respective shares along with interest accrued in the account.

9. With the above observations, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner for Workmen's Compensation, Salem.

Copy to : The Section Officer,  
VR Section,  
High Court, Madras.

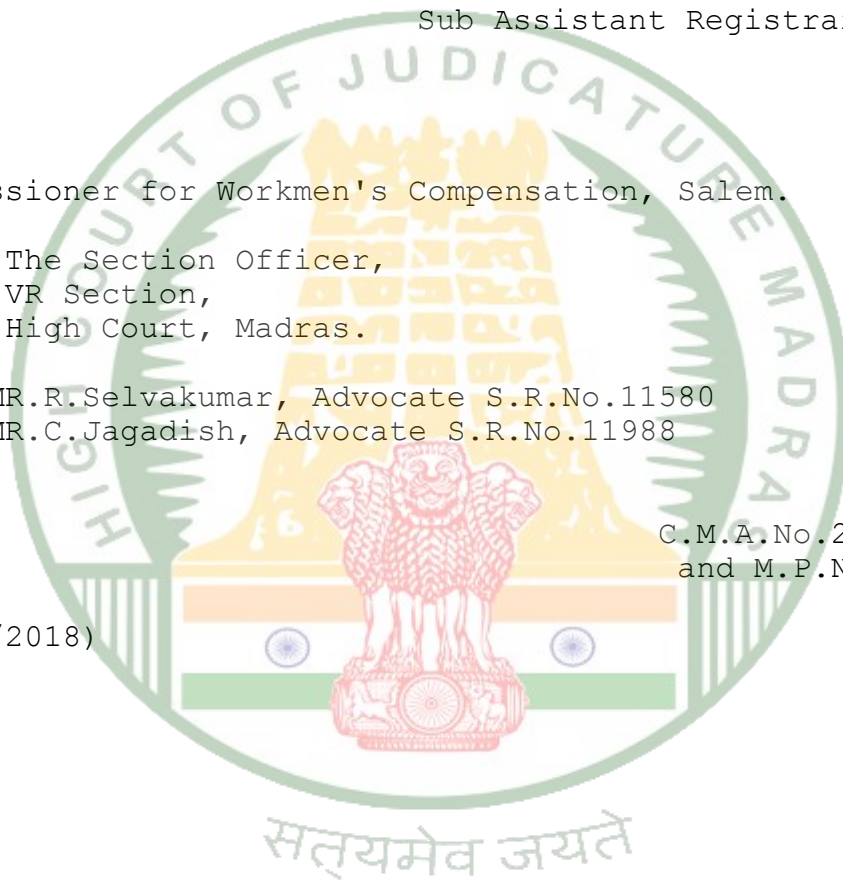
+1CC TO MR.R.Selvakumar, Advocate S.R.No.11580

+1CC TO MR.C.Jagadish, Advocate S.R.No.11988

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PA(CO)

RMP(15/03/2018)



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