



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.Nos.462 & 463 of 2003

and

C.M.P.Nos.16744 & 16769 of 2004

and

C.M.P.Nos.422 to 431 of 2009

Varadan @ Ekkudurai

... Appellant in
both C.M.As.

vs

1.Arikrishnan @ Sengeni

2.Seetha

... Respondents in
both C.M.As.

Common Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the orders dated 26.06.2001 passed in W.C.Case Nos.4 & 5 of 1992 and served on 30.06.2001 on the file of the learned Additional Commissioner for Workmen's compensation, Pondicherry.

For Appellant : Mr.S.K.Ragunathan
in both CMAs

For Respondents: No appearance
in both CMAs

C O M M O N J U D G M E N T

The appellant has challenged the impugned orders dated 26.06.2001 passed in W.C.Nos.4 & 5 of 1992 by the Additional Commissioner for Workmen's Compensation, Pondicherry.

2.By the impugned orders, the Additional Commissioner for Workmen's Compensation, Pondicherry has awarded a sum Rs.54,850/- as compensation together with interest 6% per annum from the date of accident till the date of deposit realisation within 30 days from the date of the receipt of the order under Section 8 (1) of the Workmen's Compensation Act, Pondicherry.

3.Aggrieved by the same, the present Civil Miscellaneous Appeals have been filed.



4. At the time of filing the present appeals, the appellant has raised the following substantial questions of law:-

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- i. Whether on the fact and circumstances of the injured was a workmen under the Appellant within the meaning of Section 2(1)(n) read with Clause 4 of Schedule 2 of Workmen's Compensation Act, 1923?
- ii. Whether the Court below has jurisdiction to entertain the Claim Petition in view of the fact that the accident took place out of and not in the course of employment?
- iii. Whether the quantum of compensation awarded is in consonance with the provisions of the Act especially when no evidence whatsoever have been produced to establish the monthly wages earned by the Respondent?

5. The claimants who are the respondents in the appeals have also died and the steps to serve the notice on the legal representatives are not complete. The notice taken on the legal representatives has not been served till date.

6. The case pertains to the year of 1992, I am therefore not inclined to adjourn the present Civil Miscellaneous Appeal further.

7. Therefore, the present Civil Miscellaneous Appeals are liable to be dismissed and are dismissed accordingly. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS)

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Sub Assistant Registrar

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To

1. The Additional Commissioner
for Workmen's compensation,
Pondicherry.

2. The Section Officer,
V.R. Section, High Court, Madras.

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