

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.2771 OF 2004

AND

C.M.P.16026 OF 2004

M/s.United India Insurance Company Ltd,
Branch Namakkal ...Appellant/2nd Respondent

vs

1.Ramachandran ... 1st Respondent/Petitioner

2.Marappan ... 2nd Respondent/1st Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 30 of Workmen's Compensation Act, 1923, against the award dated 19.01.2004 made in W.C.446 of 2001 on the file of the Workmen Commissioner Court/Deputy Commissioner of Labour, Salem, received by the appellant on 09.02.2004.

For Appellant : Mr.C.Paranthaman

For Respondents : No appearance

J U D G M E N T

The Appellant/Insurance Company is aggrieved by the impugned order dated 09.02.2004 passed by the Commissioner for Workmen's Compensation in W.C.No.446 of 2001 and has come forward with the present Civil Miscellaneous Appeal. By the impugned order, the Commissioner for Workmen's Compensation has awarded a sum of Rs.1,14,884/- as compensation to the 1st respondent who was aged 28 years at the time of the accident.

2.Before the Commissioner for Workmen's Compensation, it was the case of the 1st respondent/driver of the lorry that he met with an accident on 08.04.2001 and while he was driving the lorry bearing registration No.HR 26/A-8889 near Mandlipalli

Village on Kadiri to Mandlipalli road, a car came from the wrong side from the opposite direction. Therefore to avoid hitting the car, he turned the lorry into the left side of the road resulting in accident and further he sustained grievous injuries. Under the circumstances, the 1st respondent filed a claim petition in W.C.No.446 of 2001 and claimed a compensation of Rs.5 lakhs, from the 2nd respondent who is the owner of the said lorry.

3. The said claim was allowed by the Deputy Commissioner of Labour, Salem. By the impugned order, dated 09.02.2004 the Deputy Commissioner of Labour, Salem, has awarded a sum of Rs.1,14,884/- together with interest at 12 % to the Claimant. The appellant is aggrieved by the impugned order and has thus filed the present appeal.

4. In the present appeal, the appellant has disputed the quantum of compensation that has been ordered. The appellant has raised three questions of law in the present appeal which read as under:-

- i. Whether the learned Commissioner is right in holding that the 1st Respondent is an employee of the 2nd Respondent?
- ii. Whether the learned Commissioner is right in holding that death occurred during and in the course of employment?
- iii. whether the learned Commissioner is right in holding that only the 1st Respondent has sustained any permanent disability?

5. Heard the learned counsel for the appellant and there is no representation on behalf of the respondent. By an order dated 09.02.2004, the Deputy Commissioner of Labour awarded a sum of Rs.1,14,884/- to the 1st respondent together with the interest of 12% and the ordered amount to be deposited in any Nationalised Bank proximate to the place of the residence of the 1st respondent-worker. I do not find any merits in the present Civil Miscellaneous Appeal. The questions raised by the appellant are not questions of law but questions of fact. The order passed by the Commissioner for Workmen's Compensation (Deputy Commissioner Of Labour), Salem is well reasoned and requires no interference.

6. Therefore, the present Civil Miscellaneous Appeal is

liable to be dismissed and is accordingly dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

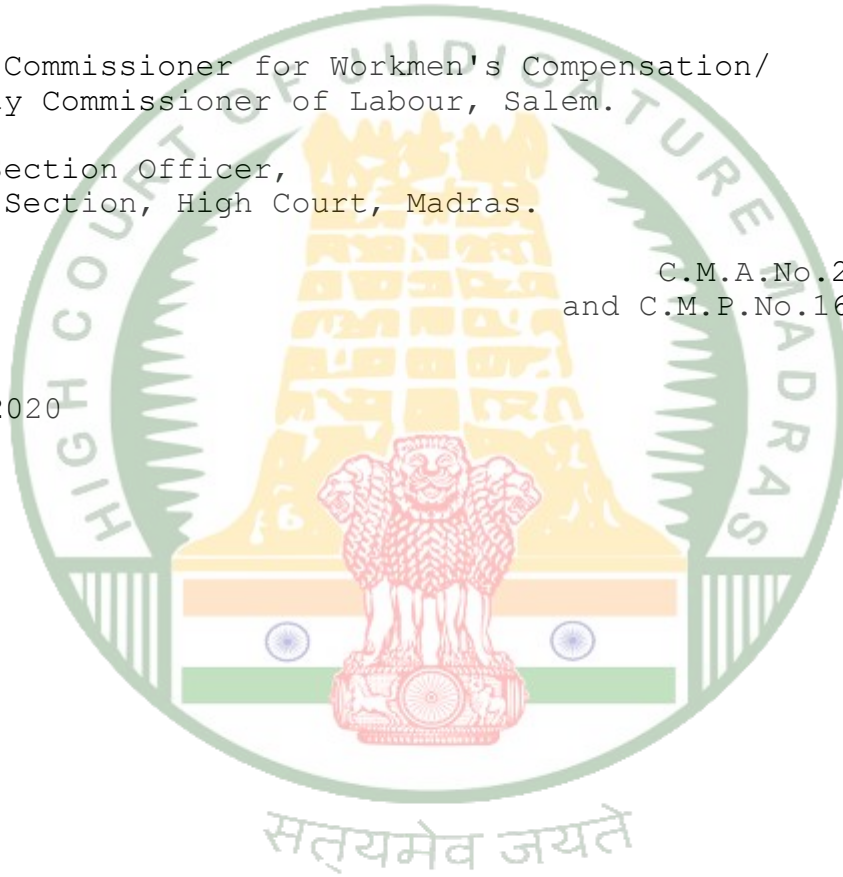
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To

1. The Commissioner for Workmen's Compensation/
Deputy Commissioner of Labour, Salem.
2. The Section Officer,
V.R. Section, High Court, Madras.

C.M.A.No.2771 of 2004
and C.M.P.No.16026 of 2004

PVS (CO)
CS/18/02/2020



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