

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A. No. 3811 of 2004
and
C.M.P. No. 20398 of 2004

Branch Officer,
United India Insurance Co. Ltd.,
Kumar Complex,
Thiruchengode.

... Appellant

Vs

1. K. Senthil Kumar
2. Jeevanadham

... Respondents

Prayer: Civil Miscellaneous Appeal has been filed under Section 30 of the Workmen's Compensation Act, 1923, against the Award on the file of the Commissioner for Workmen's Compensation, Deputy Commissioner of Labour, Salem, dated 24.09.2004, made in W.C. No. 63 of 2003.

For Appellant : M/s. M.B. Gopalan & Associates
For Respondents : Not ready in Notice

JUDGMENT

The Appellant Insurance Company is aggrieved by the impugned order dated 24.09.2004 passed by the Deputy Commissioner of Labour in W.A. No. 63 of 2003. By the impugned order, the Deputy Commissioner of Labour has awarded a sum of Rs.1,62,693/- to the First Respondent/Claimant.

2. It is the contention of the Appellant that the deceased suffered injury and had sustained permanent disability, which stood established. The deceased had applied for renewal of the license and in respect of the same, had filed a copy of the application filed by the First Respondent for renewal of the license of the deceased and therefore, there is no case of earning capacity.

In the present appeal, the Appellant has raised following questions of law:

"a) Whether the Lower Court has not committed serious error of jurisdiction in accepting that there was permanent disability and loss of earning capacity, when the driving licence of the claimant was shown to have been renewed subsequent to the accident?

b) Whether the Lower Court has not committed serious error in ignoring the provisions of the Motor Vehicles Act regarding eligibility of person to hold driving licence which do not permit person with physical disability from holding driving licence?

c) Whether the award is not unreasonable and liable to be set aside since there cannot be any disablement when the driving licence has been renewed subsequent to the accident?"

I have perused the impugned order passed by the Deputy Commissioner of Labour in W.A. No. 63 of 2003.

3. The Appellant has not established the case and therefore, there is no merits in the present appeal. The order of the Deputy Commissioner of Labour is well-reasoned and requires no interference. In view of the same, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

arb

TO:

The Commissioner for Workmen's Compensation,
Deputy Commissioner of Labour, Salem.

+1cc to M/s.M.B.Gopalan, Advocate sr.98179

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gp(co)
nr 10/01/2020