



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.1226 OF 2008

AND

M.P.NO.1 OF 2008

The United India Insurance Company Limited,
38, Anna Salai,
Chennai 2.

... Appellant/2nd Respondent

Vs

1.N.Sekar

... 1st Respondent/Petitioner

2.R.Paneerselvam

...2nd Respondent/1st Respondent

Prayer:

Civil Miscellaneous Appeal has been filed under Section 30 of Workmen's Compensation Act, 1923, against the judgment made in W.C.No.576 of 2005, on the file of the Workmen Compensation Commissioner-1 Court/Labour Assistant Commissioner -1, Chennai, dated 03.10.2007.

For Appellant : Mrs.P.Dhanalakshmi
for Mrs.N.Mala

For Respondent : R1- Not ready in notice
R2- Vacated

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the judgment made in W.C.No.576 of 2005, on the file of the Workmen Compensation Commissioner-1 Court/Labour Assistant Commissioner -1, Chennai, dated 03.10.2007.

2. The appellant/Insurance Company is aggrieved by the impugned order dated 03.10.2007 passed by the Assistant Commissioner of Labour in W.C.No.576 of 2005. In the impugned order, the Assistant Commissioner of Labour has awarded a sum of Rs. 84,829/-. The appellant / Insurance Company resisted the claim of the first respondent stating that there was



discrepancies in the nature of injury suffered by the first respondent. In the FIR, only bleeding injury was mentioned, however, the discharge summary filed from the Private Hospital, indicates that the first respondent suffered fracture. According to the appellant, the compensation awarded by the Tribunal is on the higher side and therefore, the appellant seeks for interference.

3. This Court admitted the appeal on 10.04.2008 and framed the following substantial questions of law:

"1. Whether Commissioner under the Workmen's Compensation Act is justified in deciding the claim petition maintainable on the ground that the claimant was only a hirer of the vehicle and not an employee under the second respondent?

2. Whether the evidence of P.W.2 and the documents marked as Exs.P2, P5 are not inconsistent with Ex.B1(FIR) and as such the claim could not be sustainable?"

4. This Court considered the arguments of the learned counsel for the appellant. There is no representation on behalf of the respondents. The second respondent is the owner of the auto involved in the accident. The appellant is seeking to set aside the finding of the fact arrived at by the Assistant Commissioner of Labour in the impugned order dated 03.10.2007.

5. On consideration and the submissions made by the learned Counsel for the appellant, no questions of law much less substantial questions of law is involved in this appeal. Moreover, the order of the Assistant Commissioner of Labour is well reasoned and therefore, no interference is called for. Hence, the appeal preferred by the appellant is liable to be dismissed.

6. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vkx



To

1. The Workmen Compensation Commissioner - 1 Court /
Labour Assistant Commissioner -1, Chennai.

2. The Section Officer,
Vernacular Section,
Madras High Court.

C.M.A.No.1226 of 2008
and
M.P.No.1 of 2008

SJ(CO)
CS/10/01/2020