

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2586 of 2005
and
C.M.P.No.13570 of 2005

The United India Insurance
Company Limited,
No.1090, A.R. Complex,
P.H.Road, Chennai - 600 084. Appellant

vs

1.Mayakannan
2.B.Suresh Kumar Civil Engineering Works,
Plot No.3, II Street,
Mahalakshmi Nagar Extension,
Madipakkam, Chennai - 600 091. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of Workmen's Compensation Act, 1923, to set aside the order dated 27.05.2005 made in W.C.No.317 of 2004 passed by the Hon'ble Deputy Commissioner of Labour - II, Chennai.

For Appellant : Mr.B.Sathish Babu

For Respondents : Not ready in notice

J U D G M E N T

Appellant Insurance Company is aggrieved by the award/order dated 27.05.2005 passed by the Deputy Commissioner of Labour-II, Chennai in W.C.No.317 of 2004. By the impugned order the Deputy Commissioner of Labour-II, Commissioner for Workmen's Compensation Court - II, Chennai has awarded a sum of Rs.2,80,282/- to the 1st respondent worker under the provisions of the Workmen's Compensation Act, 1923 as it stood at the time of passing of the impugned order.

2.The 1st respondent had filed a claim petition in W.C.No.317 of 2004 before the Deputy Commissioner of Labour-II, Commissioner for Workmen's Compensation Court - II, Chennai during August 2004 in respect of an alleged injury suffered by the 1st respondent while working in the site on 03.05.2003. The 1st respondent merely stated that he suffered injury on his left forearm, left thigh and left foot and suffered burn injuries all over his body while at work and

that he was treated as an inpatient at the Kilpauk Medical College Hospital. It was this case that at the time of the accident, the 1st respondent was aged about 35 years and was earning a daily wages of Rs.250/-per day. The 1st respondent had however not quantified the compensation.

3.In the impugned order, the monthly wages of the 1st respondent has been capped at Rs.4000/- as per the provision of the Workmen's Compensation Act, 1923.

4.The appellant herein filed counter denying its liability. In the present appeal, the appellant has questioned the quantum of compensation awarded to the 1st respondent.

5.In the present appeal, the appellant has raised four substantial questions of law to be answered. While admitting this present appeal on 24.8.2005, this court had framed the following substantial question of law:-

"Whether the authority below adopted a legal and proper method in the assessment of the compensation?"

6.In the present appeal, the appellant submits that the compensation awarded is excessive and therefore, the order passed is liable to be set aside.

7.I have perused the records. There are no substantial questions of law to be answered in the present appeal. The questions of fact cannot be interfered as the Deputy Commissioner of Labour under the Workmen's Compensation Act, 1923 is the final fact-finding authority. Consequently, the appellant cannot seek to upset the same in the appeal. I also do not find any merits in the present appeal. The order of the Deputy Commissioner of Labour is well reasoned and requires no interference.

8.Therefore, the present appeal is liable to be dismissed and is hereby dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

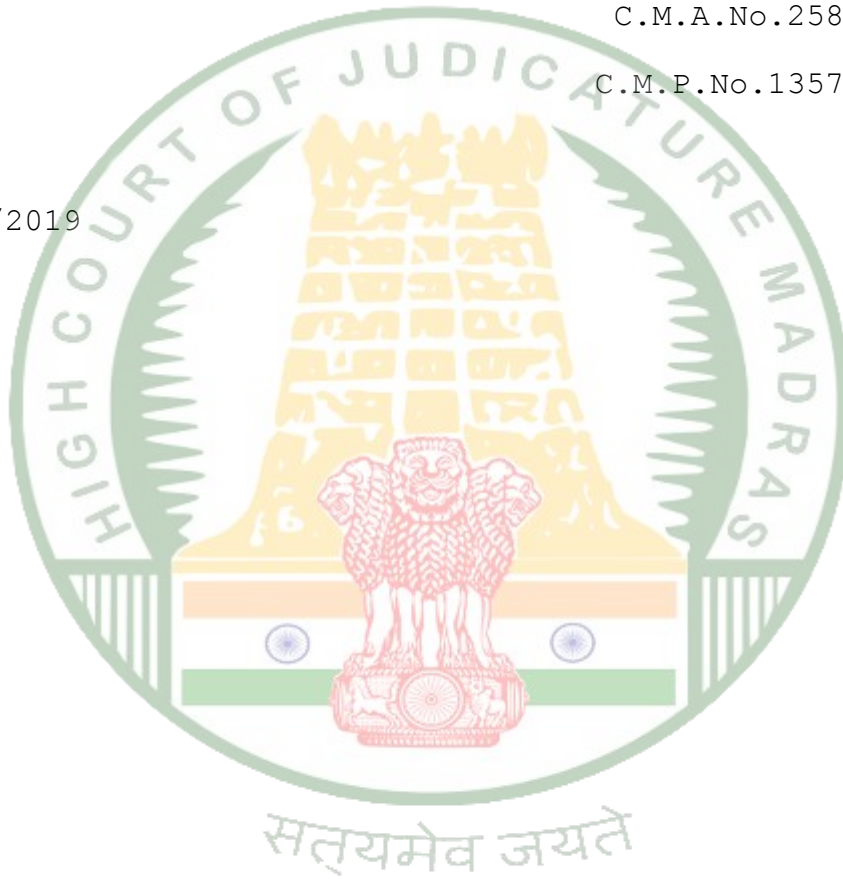
To

1.The Deputy Commissioner of Labour - II,
Commissioner for Workmen's Compensation Court -II,
Chennai - 600 006.

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

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