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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.630 OF 2007

National Insurance Company Ltd,
No.751 Anna Salai,
Chennai - 600 002.

...Appellant/2nd Opposite Party

vs

1.G.Ganesan
2.S.Jagadeesan

.. 1st Respondent/Applicant
.. 2nd Respondent/1st Opposite Party

Prayer:

Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, to set aside the award dated 21.08.2006 and made in W.C.No.385/2005 on the file of the Commissioner for Workmen's Compensation Court - 2 / Deputy Commissioner of Labour -2, D.M.S.Compound, Teynampet, Chennai - 600 006.

For Appellant : Mr.S.Vadivel

For R1 : Mr.A.Shanmugaraj

J U D G M E N T

The Appellant Insurance Company is aggrieved by the impugned award dated 21.08.2006 in W.C.No.385 of 2005 passed by the Deputy Commissioner of Labour -2, D.M.S. Compound, Teynampet, Chennai, who has awarded a sum of Rs.1,94,804/- as against the claim of Rs.5,00,000/-.

2. It is the case of the Appellant Insurance Company that the first respondent employed under the second respondent, by driving auto, on 24.02.2004 had met with an accident without possessing any valid license. The claimant had thus suffered serious injuries. Accordingly, to the appellant on the said date, the claimant would not have driven the auto as an employee of the owner of the auto on the other hand he would have driven the auto on hire basis.



"1. Whether the Claimant had suffered injuries in an accident during the course of his employment under the owner or in an incident?

3. Whether the liability of the Insurance company under the provisions of the Motor Vehicles Act and the provisions of the Workmen's Compensation Act is one and the same when admittedly the claimant himself did not possess valid license?

4. Based on the award, the 1st respondent had filed appeal in CMA.No.2212 of 2007, claiming 12% interest on the award from the date of an accident to till the date of deposit. This Court had allowed the present appeal in favour of the 1st respondent / Claimant, by following the observations:

5. I have perused the order awarded by the Deputy Commissioner of Labour. The appellant has questioned the quantum of compensation based on the determination of disability as per



the evidence of PW-2 and PW-3. The determination of quantum of compensation based on the evidence cannot be interfered and as such no question of law arises for consideration in this appeal.

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6. In view of the same, this appeal is liable to be dismissed and is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Deputy Commissioner of Labour -2,
Commissioner for Workmen's Compensation Court,
D.M.S.Compound, Teynampet,
Chennai - 600 006.
2. The Section Officer,
V.R.Section, High Court, Madras.

+1cc to Mr.S.Vadivel, Advocate, S.R.No.91846

+1cc to Mr.A.Shanmugaraj, Advocate, S.R.No.92282

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SJ(CO)
CS/08/01/2020