

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.11.2019
CORAM
THE HONOURABLE MR.JUSTICE C.SARAVANAN
C.M.A.Nos.1069 & 1070 of 2009
and
M.P.Nos.1 & 1 of 2009

United India Insurance Co.Ltd.,
No. C-1, Old No. C-52,
First Main Road, First Floor,
Anna Nagar, Chennai - 102.

... Appellant in
both C.M.As.

vs

K.Babu

... 1st Respondent in
C.M.A.No.1069 of 2009

Mahendran

... 1st Respondent in
C.M.A.No.1070 of 2009

M.P.Venkatesan

... 2nd Respondent in
both C.M.As.

Common Prayer: Civil Miscellaneous Appeals filed under Section 30 of the Workmen's Compensation Act, 1923, against the awards and decrees dated 27.01.2009 made in W.C.Nos.399 & 400 of 2007 on the files of the Commissioner, Workmen's Compensation Tribunal, DCL-II, Chennai.

For Appellant : Mr.S.Arunkumar in both C.M.As.

For Respondents : No appearance in both C.M.As.

सत्यमेव जयते
C O M M O N J U D G M E N T

By this common judgment both the Civil Miscellaneous Appeal are being disposed.

2.The appellant Insurance Company is aggrieved by the impugned orders dated 27.01.2009 passed by the Deputy Commissioner of Labour - 2, Chennai in W.C.Nos.399 & 400 of 2007.

3.By the impugned orders, the Deputy Commissioner of Labour - 2 has awarded sum of Rs.3,56,874/- and Rs.94,826/- respectively to the respective 1st respondent in the respective Civil Miscellaneous Appeals.

4.It is the case of the respective 1st respondents in the respective Civil Miscellaneous Appeals that the respective 1st respondents were employed by the 2nd respondent owner of the lorry bearing registration No.TN 02 R 2410 as load men. On 30.05.2007 at about 5.00 hrs, the respective 1st respondents met with an accident in front of Authur bridge at Devaneri Road junction in the course of the employment and they sustained several injuries. Thereafter, the respective 1st respondents were taken to K.M.C. Hospital, Chennai. Based on the permanent disabilities, the respective 1st respondents filed separate claim petitions for separate compensation.

5.According to the appellant Insurance Company, there was no employer-employee relationship between the respondents in the respective Civil Miscellaneous Appeals. Therefore, the compensation cannot be fastened on the appellant Insurance Company merely because the vehicle was insured with the appellant.

6.After considering the arguments at length and perusing the records, the Deputy Commissioner of Labour- 2 had allowed the respective claim petitions by awarding the aforesaid compensations to the respective 1st respondents.

7.Aggrrieved by the impugned orders, the appellant Insurance Company has filed the present Civil Miscellaneous Appeals.

8.At the time of admission, this Court has framed the following substantial questions of law for consideration in these Civil Miscellaneous Appeals:-

- i. Whether the Deputy Commissioner of Labour erred in coming to the conclusion that the first respondent has sustained loss of earning power contrary to the provisions of 4(i)(c)(ii) of the Act?
- ii. Whether the Deputy Commissioner of Labour erred in not obtaining the assistance by invoking the provisions of Sec.20(3) of the W.C. Act as there is no loss of earning power?
- iii. Whether the W.C. Commissioner was correct in holding the Appellant is liable to pay the compensation awarded relying on the evidences of P.W.2 who has assessed the disability for simple injuries?

9.Heard the learned counsel for the appellant. There is no representation for the respondents in both Civil Miscellaneous Appeals.

10.The learned counsel for the appellant reiterates that there was no employer-employee relationship between the 2nd respondent and the respective 1st respondents and therefore, the orders of the Deputy Commissioner of Labour - 2 are liable to be set aside.

11.I have considered the arguments advance by the learned counsel for the appellant and perused the records of the cases.

12.I am of the view that the authority acting under the provisions of the Workmen's Compensation Act, are not bound by strict rules of evidence. Therefore, there is no reasons to interfere with such findings of fact arrived by the Deputy Commissioner of Labour. I do not find any merits in the present Civil Miscellaneous Appeals.

13.Therefore, the present Civil Miscellaneous Appeals are dismissed and substantial questions of law are answered against the appellant. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Workmen's Compensation Tribunal,
DCL-II, Chennai.

Copy to: The Section Officer,
V.R.Section, Madras High Court.

+1CC to Mr.S.Arun Kumar, Advocate, SR.No.93464.

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C.M.A.Nos.1069 & 1070 of 2009
and
M.P.Nos.1 & 1 of 2009

VD(CO)
CSR:20/01/2020



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