

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3217 of 2008

and

C.M.P.No.1724 of 2008

National Insurance Co Ltd,
74-A, Paramathy Road, Namakkal.

... Appellant

Vs.

1.K.Balasubramani
2.Subramani

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 30 of the Workmen's Compensation Act, 1923, against the order of the Learned Commissioner of Workmen's Compensation, Salem made in WC.No.169 of 2002 dated 13.12.2004.

For Appellant : Mrs.R.Sreevidya

For Respondents : No appearance
for R1
R2- Not ready notice

J U D G M E N T

No representation on behalf of the respondents.

2.In this present appeal, the Insurance Company has challenged the impugned order passed by the Deputy Commissioner of Labour, Salem on 13.12.2004 in W.C.No.169 of 2002. By the impugned order, the Deputy Commissioner of Labour has awarded a sum of Rs.1,82,428/- as compensation to the injuries suffered by the 1st respondent.

3.The case of the 1st respondent before the Deputy Commissioner of Labour was that while adjusting the Tharpalin rope on the top of a lorry bearing Registration No.TN.28-C-8283, he fell down from the top of the lorry and he suffered multiple grievous injury, resulting in severe fractures on his right leg, left leg and face.

4.In present appeal, the appellant has questioned only the quantum of compensation that has been awarded on the ground that the Deputy Commissioner has awarded excess compensation, even though, the 1st respondent claimant suffered only 38% disability. Since there is no reasoning given by the Deputy Commissioner of Labour, compensation awarded at 50% is excessive. I am of the view the order passed by the Deputy Commissioner is liable to be modified. Accordingly, the compensation is requantified as follows:

$60 \times 100 \times 2700 \times 225.22 \times 38 / 100 = \text{RS.}1,38,645/-$. Instead of

$60 \times 100 \times 2700 \times 225.22 \times 50 / 100 = \text{RS.}1,82,428/-$.

The impugned order is modified to the extent of above.

5.Accordingly, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, the connected Miscellaneous Appeal is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Workmen's Compensation,
Salem.

2.The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Mrs.R.Sreevidhya, Advocate SR.99395

BR(CO)
CB(02/03/2020)

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