

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.952 of 2009
and MP.No.1 of 2009

The National Insurance Company Ltd,
81-D Chetty Street,
Thiruchengodu

.... Appellant/2nd Opp Party

vs

1.Selvarani
2.Minor Jeeva
3.Minor Deepa
4.Minor Boopathy Rajan
5.Palanisamy @ Rajamanickam
6.Parvathy
(Minor 2 to 4 were represented through
their mother 1st respondent)

.. 1 to 6 Respondents/Petitioners

7.M/s.Golden Tube Wells
Proprietor - Tmt. R.Sumathy.

....7th Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 30 of Workmen's Compensation Act, 1923, against the award dated 30.11.2008 and made in W.C.No.105 of 2005 on the file of the Commissioner for Workmen's Compensation Court, Salem / Deputy Commissioner of Labour, Salem.

For Appellant : Mr.S.Vadivel

For R1 to R4 & R6 : Mr.V.R.Rajasekaran

For R5 : Died

For R7 : No such address

J U D G M E N T

The appellant Insurance Company is aggrieved by the award dated 30.11.2008 passed by the Commissioner for Workmen's Compensation Court, Salem in W.C.No.105 of 2005.

2.By the impugned order, the Workmen's Compensation Commissioner has awarded a sum of Rs.3,42,983/- as compensation together with Rs.2,500/- for funeral expenses to the 1st to 6th respondents who are the legal representatives/dependants of the deceased Ganesan.

3. It is the case of the 1st to 6th respondents that the said deceased Ganesan was employed by the 7th respondent as a cleaner in the Rig Lorry bearing Registration No. KA 05 MC 2149 and on 06.02.2004, while was dismantling a bore, the iron pipes slipped and hit the deceased and he died on the spot.

4. Therefore, the 1st to 6th respondents, who are the legal representatives of the deceased Ganesan have filed the claim petition for compensation of Rs.5,00,000/-.

5. On 15.04.2009, while admitting the present Civil Miscellaneous Appeal, this Court has framed the following substantial question of law:-

Whether the Deputy Commissioner of Labour, Salem is right in fixing the liability on the appellant by holding that the Indian Motor Tariff Endorsements found in the policy was ab-initio Void.

6. Heard the learned counsel for the appellant and the respondents. The appellant has raised the question of liability. I have perused the records. The order passed by the Deputy Commissioner of Labour -2, does not require any interference.

7.The present Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

drl

To

1.The Commissioner for Workmen's Compensation/Deputy
Commissioner of Labour
Salem.

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

+1cc to Mr.S.Vadivel, Advocate sr.97911
+1cc to Mr.V.R.Rajasekaran, Advocate sr.97950

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