IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.11.2019
CORAM
THE HONOURABLE MR.JUSTICE C.SARAVANAN
C.M.A.No.3760 of 2012

C.Muniyappan ... Appellant

vs

1.K.P.Guhan
2.The New India Assurance Company,
435, T.P.Road, R.S.Puram,
Coimbatore 641 002. ... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order dated 10.02.2004 made in W.C.No.23 of 2003 on the file of the Commissioner for Workmen's Compensation (Deputy Commissioner of Labour) Coimbatore.

For Appellant : M/s.V.Bhiman
1st Respondent : No Appearance

J U D G M E N T

The appellant is aggrieved by the impugned order dated 10.02.2004 passed by the Deputy Commissioner of Labour, Coimbatore in W.C.No.23 of 2003.

2. By the impugned order, the Deputy Commissioner of Labour has awarded a sum of Rs.58,803/- together with interest at 12% from the date of accident to till the date of deposit to the claimants who are dependents of deceased Murugan.

3. According to the appellant, he was working as a driver by the 1st respondent and while driving in a Maruti Van bearing Reg.No.TN 32 6300 he met with an accident on being hit by another van bearing registration No.TN 67 C 6066, Thirumangalam and sustained injuries.

4. Aggrieved by the same, the present Civil Miscellaneous Appeal has been filed.

5. In the present Civil Miscellaneous Appeal, the appellant has raised the following substantial questions of law for consideration:-

i)When the doctor had issued the disability at 35% the conclusion of the Commissioner that the

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disability is at 25% is contrary to medical evidence.

ii) The conclusion of the commissioner that the salary of the appellant is R.1966 when the appellant was getting Rs.3200/- the independent conclusion of the commissioner is contrary to law?

6. The appellant had suffered disability at 35%. It stands recorded in the impugned order. The Deputy Commissioner of Labour had however fixed the disability at 25%. Thus, the appellant submits that the Authority erred in fixing the disability at 25%.

7. Observation of the Deputy Commissioner of Labour that there could be variations in the assessment of the disability from one doctor to another doctor and therefore deduction of disability at 25% which has been assessed 35% by P.W.2- doctor cannot be questioned. Therefore, I do not find any reason to interfere with the impugned order passed by the Deputy Commissioner of Labour, Coimbatore.

8. In view of the above, the civil miscellaneous appeal is liable to be dismissed and it is hereby dismissed. No cost.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

kkd

To

The Commissioner for Workmen's Compensation,
(Deputy Commissioner of Labour, Coimbatore.

+1CC to Mr.Bhiman, Advocate, SR.No.98708.

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CSR: 29/01/2020

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