

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1026 of 2005

(Through Video Conferencing)

M/s.United India Insurance Co. Ltd.,
No.38, Anna Salai,
Chennai - 600 002. Appellant

Vs.

1. T.Ayyanar
2. J.Gajalakshmi Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of Workmen Compensation Act, 1923 against the Award in W.C.No.253 of 2002, dated 21.01.2004, on the file of the Workmen Commissioner Court/Deputy Commissioner of Labour-I, Teynampet, Chennai - 6.

For Appellant : Mr.C.Paranthaman
For R1 & R2 : Service awaited

JUDGMENT

The Insurance Company is the appellant in this appeal and is aggrieved by the impugned Award dated 21.01.2004 passed by the Workmen Commissioner Court/Deputy Commissioner of Labour-I, Teynampet, Chennai in W.C.No.253 of 2002.

2. By the impugned Award, the Deputy Commissioner of Labour-I, Teynampet, Chennai, has awarded a sum of Rs.3,02,822/- together with interest at 12% per annum from the date of filing of the claim petition, till the date of payment, to the 1st respondent/claimant.

3. In this appeal, the appellant Insurance Company has challenged the quantum of compensation stating that the Deputy Commissioner of Labour-I, Teynampet, Chennai, has come to an erroneous conclusion that the first respondent/claimant had sustained injuries.

4. It is noticed that the injury is of the year 2001 and the claim petition before the Deputy Commissioner of Labour-I,

Teynampet, Chennai was filed as early as 02.07.2002. The Award came to be passed on 21.02.2004. From the records, it is noticed that though notice was ordered and despite a lapse of 15 years, notice has not been served till date on the respondents. In fact, even during last spell, a permission was granted to the appellant to take steps to serve notice on the respondents by an order dated 06.09.2019. However, notice has still remained unserved as an addressee has left ie., the first respondent/claimant has left the place.

5. Considering the fact that there is no service of notice despite lapse of 15 years, I am inclined to dismiss the appeal filed by the appellant Insurance Company. That apart, in the appeal filed by the appellant Insurance Company, there is also no substantial question of law that arises for consideration. The dispute pertains to the nature of injuries and the assessment of disability. Considering the same, I do not find any merits in keeping this appeal alive. Accordingly, this Civil Miscellaneous Appeal filed by the appellant Insurance Company is dismissed.

6. If the amount of compensation awarded by the Deputy Commissioner of Labour-I, Chennai has not been deposited by the appellant Insurance Company, it is directed to deposit the same together with interest at 12% per annum from the date of filing of the claim petition till the date of such deposit, less any amount already deposited by it within a period of six weeks from the date of receipt of the copy of this Judgment.

7. On deposit of the award amount, the first respondent/claimant is entitled to withdraw the same together with interest as directed by the Deputy Commissioner of Labour-I, Chennai, less any amount already withdrawn, by filing suitable application before Tribunal.

8. With the above observation, this Civil Miscellaneous Appeal is dismissed. No cost.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:
Workmen Commissioner Court/
Deputy Commissioner of Labour-I,
Teynampet, Chennai - 6.

Copy to:

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

+1cc to Mr.C.Paranthaman, Advocate in Sr.27315

C.M.A.No.1026 of 2005

SSV(CO)
RV(17/09/2020)



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