

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2648 of 2010

M.P.No.1 of 2010

1.R.Sasikala

2.Minor R.Damodaran

3.Minor R.Gowri

...Appellants/Appellants

Appellants 2 and 3 rep.by their
Mother/Natural Guardian/R.Sasikala

vs.

1.The Commissioner of Workmen's Compensation's/
Deputy Commissioner of Labour,
Coimbatore-18.

2.N.Natarajan (Deceased)

3.The United India Insurance Company Limited,
Branch Office, Thirchy Road,
Ramanathapuram, Coimbatore.

4.N.Sulochana

5.K.Vijiyakumari

6.S.Magesh

7.N.Prakasam

8.N.Soundararajan

.... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 30 of Workmen Compensation Act, against the order dated 03.06.2010 made in W.C.No.55 of 1999 on the file of the Deputy Commissioner of Labour, Coimbatore.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.S.Jeganathan

Government Advocate (CS) for R1

M/s.C.Harini

for Mr.N.Vijaya Raghavan for R3

R2-Died

No-appearance-RR4 to 8

O R D E R

The Civil Miscellaneous Appeal is filed against the order dated 03.06.2010 made in W.C.No.55 of 1999 on the file of the Deputy Commissioner of Labour, Coimbatore.

2. The questions of law raised in the present Civil Miscellaneous Appeal are that Whether Ex.P6 is admissible to prove the ownership of the vehicle involved in the accident; whether Ex.P6 and Ex.P7 will be admissible under the law to conclude the employer/employee relationship between the deceased and the first respondent in the claim petition?

3. The questions of law are relateable to the facts and circumstances. Therefore, this Court is of the considered opinion that no substantial question of law has been raised. However, on perusal of the award, it reveals that the application under the Workmen Compensation Act was filed with false set of facts and suppressing some material facts. It is sufficient to consider the fact that the United India Insurance Company in clear terms established that the claim petition filed under the Workmen Compensation Act is false one and certain vital facts are suppressed. M.C.O.P.No.13 of 1998 was filed under the Motor Vehicles Act claiming damages. In the said M.C.O.P.No.13 of 1998, the petitioner stated that KL 11 7899 Vehicle belongs to the deceased/Rajukumar and he was stated as the owner of the vehicle. In view of the fact that the said application was not pressed, M.C.O.P.No.13 of 1998 was dismissed on 24.12.1999. In fact, the petitioner has claimed own damages for the loss. In the said petition, the husband of the first appellant herein is mentioned as V.Rajukumar, who was stated as a owner of the vehicle. These facts were suppressed while filing an application under the Workmen Compensation Act. These factors were considered by the Deputy Commissioner of Labour and further, the Deputy Commissioner of Labour in award

categorically stated that the appellant had not established the employer/employee relationship. Therefore, the compensation cannot be granted. However, the facts and circumstances were elaborately considered by the Deputy Commissioner of Labour and no substantial question of law raised deserves any further adjudication. This Court do not find any infirmity or perversity with reference to the award passed and accordingly, the award dated 03.06.2010 passed in W.C.No.55 of 1999 stands confirmed and consequently, Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssb

To

The Commissioner of Workmen's Compensation's/
Deputy Commissioner of Labour,
Coimbatore-18.

+1cc to the Government Pleader Sr.5453

+1cc to Mr.S.Saravanan, Advocate Sr.5309

C.M.A.No.2648 of 2010

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