

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2478 of 2015

and

M.P.No.1 of 2015

M/s.United India Assurance
Company Limited,
No.66, Greaves Road,
Chennai- 600 006.

....Appellant

Vs.

1.Thiru.T.Sampath
2.Tmt.S.Gowri
3.Tmt.S.Jameela

....Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 30 of the Employees Compensation Act, against the Final Award dated 12th March 2015 (received on 27.08.2015) passed by the Learned Deputy Commissioner of Labour - II, Chennai in W.C.No.167 of 2011.

For Appellant :Mr.J.Michael Visuvasam

For Respondent :Mr.Vijaya Rajan
For Mr.K.Varadhakamaraj
[For R1 & R2]
R3 - No appearance

J U D G M E N T

The only Substantial question of law raised in the present miscellaneous appeal is that the driver, who had driven the vehicle, which met with an accident was not holding a valid batch and therefore, the Insurance company is not liable.

2. The said issue has already been decided by the Hon'ble Supreme Court of India and not wearing a batch would not exonerate the Insurance company from liability.

3. In the present case, the factum regarding the accident was established. The claimants have further established that employer-employee relationship also existed. Under these circumstances, the Substantial Question of law raised by the

appellant deserves no merit consideration as the law had already been settled by the Apex Court in the matter of not possessing the valid batch at the time of accident by the driver.

4. Under these circumstances, this Court is not inclined to interfere with the findings of the Deputy Commissioner of Labour. Accordingly, the award dated 12.03.2015 passed in W.C.No.167 of 2011 stands confirmed and consequently, the Civil Miscellaneous Appeal in C.M.A.No.2478 of 2015 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Deputy Commissioner of Labour - II,
Chennai.

+1cc to M/s.K.Varadha Kamaraj, Advocate Sr.6430
+1cc to M/s.J.Michael Visuvasam, Advocate Sr.6264

C.M.A.No.2478 of 2015

kv[co]
srg 26/02/2021

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