

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-01-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMA No.640 of 2015

And

MP No.1 of 2015

The Divisional Manager,
M/s.National Insurance Company Ltd.,
Having its office at
II Floor, No.81-D, Chetty Road,
Opp. To Bus Stand,
Thiruchengode,
Namakkal - 637 211.

Appellant

vs.

- 1.Tmt.Amutha
- 2.Minor Lalitha
- 3.Minor Mathialagan
- 4.Minor Shankar
- 5.Marimuthu
- 6.Kanthayee
(Minors R-2 to R-4 represented by
their mother and guardian R-1)
- 7.S.M.Murugesan

.. Respondents

PRAYER : Civil Miscellaneous Appeal is preferred under Section 30 of the Workmen Compensation Act, against the Award dated 12.04.2013 made in W.C.No.208 of 2009 on the file of the Deputy Commissioner of Labour, Salem.

For Appellant	: Ms.R.Sree Vidhya
For Respondents-1to4	: Mr.T.Santhiyamoorthy
For Respondents-5&6	: No Appearance
For Respondent-7	: Not Ready in Notice

J U D G M E N T

No substantial question of law has been raised in this Civil Miscellaneous Appeal by the appellant.

2. In the present Civil Miscellaneous Appeal, the Award was passed on 12.04.2013, granting compensation of Rs.3,53,580/-.

3. Late Mr.Madheswaran alias Madhu was working as a Lorry Cleaner in a Lorry bearing Registration No.KA-01-MS-7899.

4. The seven respondent (R-7) is the owner of M/s.Sun Borewell Services Transport at Tiruchengode. The deceased Madheswarn suffered chest pain, while performing his duties and taken to Madhugiri Government Hospital and subsequently died on 04.10.2008.

5. A criminal case was registered in Crime No.13/08/U punishable under Section 174 of Cr.P.C.

6. The legal heirs of the deceased Madheswaran filed an application, seeking compensation.

7. The Deputy Commissioner of Labour adjudicated the issues by fixing a sum of Rs.4,000/- as monthly salary, calculated the compensation and fixed a sum of Rs.3,53,580/- as total compensation to be paid to the legal heirs of the deceased Madheswaran.

8. The appellant has not raised any question of law, however, perusal of the Award reveals that the factum regarding accident was established and the deceased died during the course of employment on account of severe chest pain as the duty in a Borewell is a hard duty. सत्यमेव जयते

9. The claimants had established the employer-employee relationship and therefore, the appellant-Insurance Company is made liable based on the policy. The Deputy Commissioner of Labour has considered all the facts and circumstances as well as the evidences and granted just compensation in favour of the claimants and this Court is not inclined to interfere with the findings of the Award.

10. Accordingly, the Award dated 12.04.2013 passed in W.C. No.208 of 2009 by the Deputy Commissioner of Labour, Salem, stands confirmed and consequently, Civil Miscellaneous Appeal No.640 of 2015 stands dismissed. However, there shall be no

order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

The Deputy Commissioner of Labour,
Salem.

Copy to:
The Section officer,
VR Section,
High Court, Madras-104.

+1cc to M/s.R.Sreevidhya, Advocate SR.3971

C.M.A.No.640 of 2015

SSV(CO)
CB(29/03/2021)



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