

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-02-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMA No.2139 of 2018

Gandhi @ C.Sanjay Gandhi

.. Appellant

vs.

1.A.Balu

2.National Insurance Co. Ltd.,
Divisional Office,
No.76-A, Paramathi Road,
Namakkal-637 001.

.. Respondents

PRAYER : Civil Miscellaneous Appeal is preferred under Section 30 of the Workmen Compensation Act, against the Award dated 09.04.2018 made in EC No.654 of 2015 (Old EC No.788 of 2014) on the file of the Commissioner of Employees Compensation, Coonoor, The Nilgiris.

For Appellant : Mr.L.Mouli

For Respondents : No Appearance

J U D G M E N T

The Award dated 09.04.2018 passed by the Commissioner of Employee Compensation, Coonoor, The Nilgiris in EC No.654 of 2015 (Old EC No.788 of 2014), is under challenge in the present Civil Miscellaneous Appeal.

2. The substantial questions of law raised in the present Civil Miscellaneous Appeal are that whether the Tribunal is correct in awarding Rs.58,874/- towards medical expenses by not considering Ex.A-13 and whether the Tribunal is correct fixing the disability at 22%.

3. The claimant is the appellant. The claimant filed the application under Section 10(1) of the Workmen Compensation Act, by stating that the appellant was working as a Driver in the Mobile Drilling Rig Vehicle bearing Registration No.KA-01-ME-7696, which was owned by the first respondent and the vehicle was insured with the second respondent-National Insurance Company Limited.

4. On 12.02.2014, at about 05.00 P.M., when the appellant was doing his drilling work at the Government Middle School, Balaia, Near Manda, Marvadu Taluk, Pali District, Rajasthan

State, the drilling machine suddenly broken and forcibly hit the right hand and right leg and cut the right foot of the appellant and thus, the appellant suffered cut injuries. The appellant was admitted in a Hospital and was given treatment and he continued his treatment even after coming over to Coimbatore. Thus, the appellant filed the claim petition.

5. The Commissioner of Employee Compensation adjudicated the issues with reference to the documents and the evidences produced by the respective parties.

6. The findings of the Award reveal that a sum of Rs.75,000/- was paid under the Medical Insurance. Apart from Medical Insurance amount, the Commissioner of Employee Compensation awarded a sum of Rs.58,874/- towards medical bills.

7. Learned counsel for the appellant states that beyond this, the appellant sustained other expenditures, including travel expenditures from Rajasthan to Coimbatore. However, these factual aspects ought to have been established, if at all the petitioner is entitled.

8. In the present Civil Miscellaneous Appeal, these factual aspects cannot be adjudicated in view of the fact that the Commissioner of Employee Compensation, in his findings, categorically stated that as per Ex.A-13, the appellant had received a sum of Rs.75,000/- towards Medical Insurance. Apart from Medical Insurance amount, the medical expenditures of Rs.58,874/- was awarded. Thus, this Court cannot again re-adjudicate the facts and circumstances regarding the travel expenditures and enhance the Award as sought for in the present Civil Miscellaneous Appeal.

9. Thus, the substantial questions of law relate to these factual aspects, which deserve no merit consideration, more specifically, in the absence of any evidence.

10. Accordingly, the Award dated 09.04.2018 passed in E.C. No.654 of 2015 (Old EC No.788 of 2014) by the Commissioner of Employee Compensation, Coonoor, The Nilgiris, stands confirmed and consequently, Civil Miscellaneous Appeal No.2139 of 2018 stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

The Commissioner Employee Compensation,
Coonoor, The Nilgiris.

+1 cc to M/s.L.Mouli, Advocate Sr.No. 5255

C.M.A.No.2139 of 2018

GSM(CO)
RMP (19/03/2021)



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