WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 18.03.2021
CORAM
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI
C.M.A(MD)No.720 of 2013
and
MP(MD)No.1 of 2013

Iffco Tokyo General Insurance Company Limited,
No.28, 2nd Floor, North Usman Road,
T.Nagar, Chennai-600 017. : Appellant/2nd Respondent

Vs.

1.S.Buvaneswari
2.M.Pangajam @ Sankarayee : Respondents 1 and 2/Petitioners
3.Tmt.Sathya : 3rd Respondent/1st Respondent

PRAYER:- Civil Miscellaneous Appeal has been filed under Section 30 of the Workmen Compensation Act, against the award passed by the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Dindigul, made in WC No.60 of 2008, dated 30.03.2012.

For Appellant : Mr.S.Srinivasa Raghavan
For R1 and R2 : Mr.N.Sudhagar Nagaraj
For 3rd Respondent : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed challenging the award passed by the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Dindigul, made in WC No.60 of 2008, dated 30.03.2012.

2.The short facts of the case is that the 3rd respondent herein is the owner and the appellant herein is the insurer of Mini Auto TN-28-AB-9112. That on 26.02.2008 at about 1.45 pm, in Karur Old Bye Pass road near Pattabiraman Auto Spares Shop, when the deceased M.Sivakumar was in the course of employment with the 3rd respondent, while he was driving the said auto, unexpectedly the auto become upset and the said M.Sivakumar, who drove the auto has sustained multiple grievous injuries and immediately, he was admitted in K.G.Hospital, Karur, but he was died on the same day. The legal heirs of the deceased filed a claim petition seeking compensation of Rs.6,00,000/- for the death of the deceased M.Sivakumar.

3.The claimants have stated that at the time of the accident, the deceased was at the age of 35 and he was employed as a driver of Auto under the 3rd respondent/1st respondent and he was getting Rs.4,500/- per month.

https://hcservices.ecourts.gov.in/hcservices/

4.The claim was opposed by the appellant Insurance Company disputing the manner of accident and their liability to pay compensation.

5.The learned Deputy Commissioner of Labour, Dindigul, upon consideration of oral and documentary evidence, came to the conclusion that there was employer-employee relationship in favour of the deceased and the owner of the vehicle and awarded compensation of Rs.3,91,780/- directing the appellant Insurance Company to pay the amount to the claimants. Aggrieved by the award of the tribunal, the appellant Insurance Company is before this court.

6.Heard both sides and perused the materials available on record.

7.It is not in dispute that the deceased is working under the 3rd respondent/1st respondent as a driver in the Auto TN-28-AB-9112 and the alleged accident had occurred on 26.02.2008. It is also not in dispute with regard to the employer and employee relation between the 3rd respondent/1st respondent and the deceased.

8.The Appellant has not disputed the fact that the deceased was working as a Driver under the 3rd respondent/1st respondent at the time of the accident. The accident had taken place during the course of the employment and based on the evidence, the Deputy Commissioner of Workmen Compensation, Dindigul has rightly held that the deceased was died in the course of employment under the 3rd respondent/1st respondent and awarded compensation of Rs.3,91,780/-. The award of the Deputy Commission of Labour is based on evidence and there is no substantial question of law arises for consideration by this court.

9.In the result, the appeal is dismissed. However, no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

er

To,

1.The Deputy Commissioner of Labour,
(Workmen Compensation), Dindigul.

2.The Record Keeper,(2C)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-12524[F] dated 19/03/2021)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-12586[F] dated 19/03/2021)

CMA(MD)No.720 of 2013
18.03.2021

KB(29.06.2021) 3P 6C

https://hcservices.ecourts.gov.in/hcservices/