

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Date of Reservation	04.02.2021
Date of Judgment	27.04.2021

WEB COPY

CORAM:**THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**C.M.A(MD)No.1278 of 2015andCMP(MD)No.1 of 2015

Sendurnath : Appellant/Respondent

Vs.

Tmt.Janaki Ammal : Respondent/Claimant

PRAYER: Civil Miscellaneous Appeal has been filed under Section 30 of the Workmen Compensation Act, against the award, dated 25.05.2015 (received on 11.09.2015) made in WC No.66 of 2011 on the file of the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Tirunelveli.

For Appellant : Mr.M.E.Ilango

For Respondent : Mr.V.Angusamy

JUDGMENT

Challenge made in this appeal is to the award, dated 25.05.2015 made in WC No.66 of 2011 on the file of the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Tirunelveli.

2.The brief facts of the case are that the deceased Ramaiah is the son of the petitioner and he was working as 'Worker' under the appellant/respondent Petrol Bunk. On 22.08.2010 at about 6.30 pm, when the deceased Ramaiah was working in the Petrol Bunk, he fell down in the Cement Floor, as a result of which, the he sustained grievous injuries on his nose and head and immediately, he was taken to the Government Hospital, Nanguneri and the Doctor declared that he was dead. A claim petition was filed by the deceased mother seeking compensation of Rs.6,62,350/- for the death of the deceased Ramaiah.

3.The claimant has stated that at the time of the accident, the deceased was 23 years and his monthly salary was Rs.6,000/- and he died during the course of his employment under the respondent's Petrol Bunk.

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

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



5. The learned Deputy Commissioner of Labour, Tirunelveli, upon consideration of oral and documentary evidence, came to the conclusion that there was employer-employee relationship in favour of the deceased Ramaiah and appellant, who is the owner of the Petrol Bunk and awarded compensation of Rs.3,29,925/- directing the appellant to pay the amount to the claimant. Aggrieved by the said order, the appellant is before this court.

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

7. It is not in dispute that the deceased was working under the appellant Petrol Bunk and the alleged accident was occurred on 22.08.2010. It is also not in dispute with regard to the employer and employee relationship between the appellant/respondent and the deceased Ramaiah.

8. On careful perusal of the available records, it reveals that the deceased was working under the appellant Petrol Bunk at the time of the accident. The accident took place during the course of employment and based on the evidence of PW1 and RW1 and Ex.P1, the Deputy Commissioner of Workmen Compensation, Tirunelveli, has rightly awarded compensation of Rs.3,29,925/-. The award of the learned 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 (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

er

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Deputy Commissioner of Labour
Commissioner for Workmen Compensation, Tirunelveli.

WEB COPY

2.The Record Keeper,
V.R Section,
Madurai Bench of Madras High Court,
Madurai. 2 Copies

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-17687[F] dated 27/04/2021)

+1 CC to M/s.M.E.ILANGO, Advocate (SR-17707[F] dated 27/04/2021)

C.M.A(MD)No.1278 of 2015

27.04.2021

—

CN(18.05.2021) 3P 6C