

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CMA NO: 1237 OF 2004

Appeal filed Under Section 30 of Workmen's Compensation Act against the Order dated 01.11.2003 made in W.C.No.64 of 2003 on the file of the Commissioner for Workmen Compensation and Assistant Commissioner of Labour, Hyderabad-II.

Between:

The United India Insurance Company Limited, DO IV Church Buildings, Tilak Road, Abids, Hyderabad.

...APPELLANT/OPPOSITE PARTY NO.2

AND

1. V. Laxman , C/o, V.V.Ramana, Occ: Advocate, Flat no.55, Lingala complex,Dilsukhnagar , Hyderabad.

...RESPONDENT/APPLICANT

2. A.Yadaiah, S/o-Laxmaiah, R/o.7-4-11/A/6, Gaganpahad, R.R.District.

...RESPONDENT/OPPOSITE PARTY NO.1

CMP. NO: 9382 OF 2004

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of execution of the decree and all further proceedings in WC No.64 of 2003 passed 01.11.03 on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II, Hyderabad.

Counsel for the Appellant : SRI E. VENUGOPAL REDDY

Counsel for the Respondents: None appeared

The Court delivered the following: JUDGMENT

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

C.M.A.No. 1237 of 2004

J U D G M E N T :

This Appeal by the Insurance Company is directed against the order dated 01.11.2003 in W.C. No. 64 of 2003 on the file of the Commissioner for Workmen Compensation and Assistant Commissioner of Labour, Circle-II, R.R. District, mainly on the ground that there is no employer-employee relationship between the respondents.

The claim of the applicant was that he was employed as driver with the respondent - owner on the auto bearing Registration No. AP 24 U 9907 and while discharging his duty, on 16.04.2003 at about 09.30 a.m., the vehicle met with an accident and he sustained grievous fracture injuries. According to him, he was 25 years at the time of accident and was earning Rs.3,500/- per month and Rs.50/- as batta per day.

Heard learned counsel for the appellant.

The Commissioner, after considering the material on record and the documents - Exs.A1 to A8 marked on behalf of the claimant, had found that employer-employee relationship has been established and based on the evidence of P.W.2 and Ex.A6 - disability certificate, had awarded a sum of Rs.1,51,955/- by taking the disability @ 40%. There is hardly any other material for this Court to come to a contra conclusion. In those circumstances, this Court does not find any reason to interfere with the order under Appeal.

The Civil Miscellaneous Appeal is accordingly, dismissed. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner for Workmen Compensation and Assistant Commissioner of Labour -II, Hyderabad. (with records)
2. One CC to Sri E. Venugopal Reddy, Advocate [OPUC]
3. Two CD Copies
4. One Spare Copy

CDL

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HIGH COURT

DATED: 03/06/2021



JUDGMENT

CMA.No.1237 of 2004

DISMISSING THE C.M.A.

NO COSTS.

PRK
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