



C.M.A(MD)No.656 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.M.A(MD)No.656 of 2010

and

M.P(MD) No.2 of 2010

The Manager,
National Insurance Company Limited,
12-A, Sarveit Convent Building,
Opp to District Court,
Dindigul.

... Appellant

vs

1.R.Rajendran

2.R.Palaniammal

3.P.Rengasamy

4.The Managing Director,
Tamil Nadu State Transported Corporation,
Coimbatore Region, Coimbatore.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923 of the Motor Vehicles Act, 1988, to set aside the award passed by the learned Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Dindigul in W.C.No.26 of 2005, dated 31.07.2009.



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For Appellant : Mr.D.Sivaraman

For Respondents : No appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant / Insurance Company against the award, dated 31.07.2009, made in W.C.No.26 of 2005, on the file of the learned Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Dindigul.

2.The facts of the case are that one Chandrasekaran was working as Cleaner under the third respondent. On 31.07.2003, during the course of employment, he sustained fatal injuries. The respondent Nos.1 and 2, who are the legal heirs of the said Chandrasekaran, filed a claim petition before the Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Dindigul, claiming a sum of Rs.5,00,000/- as compensation.

3.Resisting the claim, the appellant/Insurance Company filed their counter disputing the relationship of the deceased and the employers,



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manner of accident and income of the deceased and its liability to pay the compensation.

4. The Workmen's Compensation Commissioner, after considering the oral and documentary evidences and arguments made on either side, partly allowed the claim petition and awarded a sum of Rs.3,35,597/- as compensation to the claimants. Challenging the said award, the appellant/Insurance Company has filed this present appeal.

5. Heard the learned counsel for the appellant and perused the materials available on record.

6. The appellant/Insurance Company has filed this appeal disputing the award passed by the Commissioner. Though the learned counsel for the appellant/Insurance company has contended that the award is on the higher side and it requires reduction, this Court is of the view that the Tribunal has awarded a just and reasonable compensation. There is no sufficient reason to interfere in the order of the Commissioner of Labour.



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7. In view of the above, the Civil Miscellaneous Appeal is dismissed by confirming the award, dated 31.07.2009, made in W.C.No. 26 of 2005, on the file of the learned Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Dindigul. It is represented by the learned counsel for the appellant-Insurance Company that the entire award amount has already been deposited. Hence, the claimants are permitted to withdraw the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index :Yes/No
Internet :Yes/No
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To

- 1.The Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Dindigul,
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN,J.

cp

JUDGMENT MADE IN
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