



WEB COPY



C.M.A.No.73 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.M.A.No.73 of 2018

and

C.M.P.No.1006 of 2018

M/s.United India Insurance Co.Ltd.,
Udagamandalam, Nilgiris.

... Appellant

Vs.

1. Sakunthaladevi
2. K.Lalithadevi
3. K.Banumathi
4. Ranjith Guruvilla (Died)
5. Shenaz Kuruvilla
6. Yohaana John Kuruvilla
7. Rajiv Pothan Kuruvilla

[RR5 to R7 brought on record as LR's
of the deceased R4 viz.,Ranjith Guruvilla
vide order of the Court dated 08.03.2021
made in C.M.P.Nos.2990, 2992 & 2986 of 2021
in C.M.A.No.73 of 2018]

... Respondents



C.M.A.No.73 of 2018

PRAYER:

Civil Miscellaneous Appeal filed under under Section 30 of Workmen's Compensation Act, 50223 against the award and decree dated 09.01.2017 made in W.C.No.2 of 2011 on the file of the Commissioner, Workmen's Compensation Tribunal, DCL, Coonoor.

For Appellant : Mr.S.Arun Kumar

For R1 ro R3 : No appearance

R4 : Died

R5 to R7 : Left

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the Award dated 09.01.2017 passed in W.C.No.2 of 2011 on the file of the Commissioner, Workmen's Compensation Tribunal, DCL, Coonoor.

2. The respondents 1 to 3 herein filed the claim petition in W.C.No.2 of 2011 on the file of the Commissioner, Workmen's Compensation Tribunal, DCL, Coonoor. The Appellant/Insurance Company herein is the second respondent therein. The deceased was the



C.M.A.No.73 of 2018

employee/workman under the fourth respondent herein, who is the first respondent in the claim petition. The fourth respondent insured the employees with regard to the risk of employment/job with the appellant/Insurance Company. During the course of employment, the workman died. Therefore, legal representatives of the deceased workman filed the claim petition before the Commissioner, Workmen's Compensation Tribunal, DCL, Coonoor in W.C.No.2 of 2011. The Commissioner after considering the materials available on record, awarded a sum of Rs.3,12,940/- as per the Workmen's Compensation Act 1923. Challenging the impugned award passed by the Commissioner, Workmen's Compensation Tribunal, DCL, Coonoor, the appellant Insurance Company/second respondent has filed the present Appeal before this Court.

3. Learned counsel for the appellant submitted that the place of risk was not covered under the policy. The Commissioner, Workmen's Compensation Tribunal failed to consider the same and awarded compensation to the claimants. The Commissioner failed to note that the



C.M.A.No.73 of 2018

WEB COPY

contract of Insurance entered under the Workmen's Compensation Policy is enforceable only when the accident occurs within the premises mentioned in the policy and also for the category of person covered under the policy. In this case, the accident took place in different place which is not covered under the policy. Hence, the impugned Award of the Commissioner, Workmen's Compensation Tribunal, is liable to be set aside and the appeal may be allowed.

4. When the matter is taken up for hearing today, none appeared on behalf of the respondents. Heard the learned counsel for the appellant/Insurance Company and perused the materials available on record.

5. Admittedly, the deceased was working under the fourth respondent herein/first respondent therein, who died during course of employment. Hence, the legal representatives of the deceased filed the claim petition before the Tribunal. The fourth respondent herein/first respondent therein insured the employees regarding the risk of



C.M.A.No.73 of 2018

WEB COPY

employment with the appellant/Insurance Company. Therefore, risk of the employees during their employment is covered under the policy. Hence, the Insurer is liable to pay compensation. Risk of the employees in their workplace was insured with the appellant and it is not in dispute. The accident had occurred during the course of employment which is also not in dispute. Further, the deceased workman died due to accidental injury and the same is also not in dispute. Though learned counsel for the appellant/Insurance Company vehemently contended that the place of accident was not covered under the policy, on perusal of the “policy” (Ex.R1), it is clear that the risk is covered under the householder's policy issued to the deceased, which is pertaining to the place of accident.

6. This Court does not find any perversity in the findings of the Tribunal and there is no merit in the appeal and the same is liable to be dismissed. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



C.M.A.No.73 of 2018

WEB COPY

7. Learned counsel for the appellant submitted that the appellant Insurance Company deposited the entire award amount on the file of the Tribunal. If the award amount is not withdrawn by the legal representatives of the deceased workman, the Commissioner is directed to disburse the award amount with accrued interest to the claimants without any formal application and without any further delay, since the appeal is pending from 2018.

26.07.2023

mfa

To
The Commissioner,
Workmen's Compensation Tribunal,
DCL, Coonoor.



WEB COPY



C.M.A.No.73 of 2018

P.VELMURUGAN, J.

mfa

C.M.A.No.73 of 2018
and
C.M.P.No.1006 of 2018

26.07.2023