



C.M.A.No.162 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13/11/2024

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

C.M.A.No.162 of 2009

The Management
Pannimade Estate
Tata Tea Limited
Pannimade Post
Valparai Taluk
Coimbatore District.

...

Appellant

Vs

1. Rani

2. Nagakani

...

Respondents

PRAYER : Appeal filed under Section 30 of the Workmen's Compensation Act, 1923 against the order dated 27/4/2007 passed by the Commissioner for Workmen's Compensation, Coimbatore in W.C.C.No.109 of 2024.

For appellant

...

Ms.Benzi Rema

For respondents

...

Not ready in notice

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C.M.A.No.162 of 2009

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JUDGMENT

This Civil Miscellaneous Appeal has been filed against the order dated 27/4/2007 passed by the Commissioner for Workmen's Compensation, Coimbatore in W.C.C.No.109 of 2024.

2. The facts which led to the filing of this Civil Miscellaneous Petition are as follows:-

On 10/5/2002, while the mother of the respondents was plucking the tea leaves from the estate of the appellant, at about 9.15 a.m., she fell down with the leaf bundles and when taken to the hospital, she was declared dead. Hence, claimants filed an application for compensation under the Workmen's Compensation Act claiming an amount of Rs.3 lakhs as compensation. The Commissioner for Workmen's compensation, awarded a sum of Rs.1,01,870/- towards compensation. Being aggrieved, the appellant has come forward with the instant Civil Miscellaneous Appeal.

3. Heard Ms.Benzi Rema, learned counsel for the appellant.



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4. The learned counsel appearing for the appellant submitted that the death of the deceased has no connection with her employment or was not arising out of her employment. Therefore, no liability could be fixed upon the appellant under Section 3 (1) of the Workmen's Compensation Act, 1923. Moreover, immediately after the deceased reported for work, she fainted and died. Therefore, it is clear that death of the deceased was not on account of any stress or strain in the work spot and it was only a natural death. Without considering all these aspects, the Commissioner for Workmen Compensation has decided the case in a casual manner.

5. Perused the materials available on record.

6. A cursory look at the records reveal that the deceased was a temporary worker and on 10/5/2002, while the deceased was doing the plucking work in the factory division, at about 9.15 a.m., she fell down with the leaf bundle and when taken to hospital, it was declared that she was brought dead, thereby the claimants had filed the claim petition. The respondents claim that the deceased is a permanent worker, but the appellant Management claim that the deceased is a temporary worker. The deceased



C.M.A.No.162 of 2009

had died during the course of employment. In such a situation, the claimants are entitled for compensation. The Commissioner has rightly fastened the liability as against the Management, which does not warrant any interference and further, the award passed by the Commissioner is just and reasonable.

7. In the result, this Civil Miscellaneous Appeal is dismissed and the award passed by the Commissioner in W.C.C.No.109 of 2004 is hereby confirmed. No costs.

20/11/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No

To

1. The Commissioner for Workmen's Compensation, Coimbatore



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C.M.A.No.162 of 2009

M.DHANDAPANI,J

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C.M.A.No.162 of 2009

13/11/2024