



C.M.A.No.2935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.2935 of 2024

And

C.M.P.No.24488 of 2024

Royal Sundaram General Insurance Company Limited
represented by its Authorized Signatory
No.1, 1st Floor, Krishna Plaza,
Nachiappa Street, Behind Bus Stand,
Erode – 638 001.

... Appellant

Vs.

1.Kasthuri

2.Minor.Nikilan

represented by his Mother Tmt.Kasthuri

3.Minor.Shobika Shri

represented by her Mother Tmt.Kasthuri

4.Athammal

5.Periyasamy

6.K.Vaitheeswaran Varma

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 30 of the
Employees Compensation Act, 1923, to set aside the award passed in



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E.C.No.193 of 2019 dated 06.10.2023 by the Joint Commissioner of Labour, Salem.

For Appellant : Mr.Sharath Chandran

J U D G M E N T

This appeal has been filed seeking to set aside the award passed in E.C.No.193 of 2019 dated 06.10.2023 by the Joint Commissioner of Labour, Salem.

2.The learned counsel appearing for the appellant Insurance Company submitted that the sixth respondent is the owner of the vehicle bearing Registration No.TN 52 D 1666 and the said vehicle was insured with the appellant Insurance Company. The deceased Selvam was the driver of the said vehicle and the said vehicle was engaged in loading and unloading cattle feeds from Barkada, Orissa to Rajanakunde, Karnataka. On 21.10.2018 at about 9.45 p.m. when he was in Rajanakunde, Karnataka, after unloading the cattle feed, he felt heart pain and he died on the way to hospital. Thereafter his legal heirs filed claim petition under the Workmen Compensation Act and after adjudication, the Joint Commissioner of Labour, Salem, passed



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award in favour of the respondents 1 to 5/ legal heirs of the deceased.

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3.The learned counsel appearing for the appellant further submitted that the Joint Commissioner of Labour, Salem, fixed a sum of Rs.10,36,938/- as compensation + Rs.10,000/- for funeral expenses and directed the appellant to deposit a sum of Rs.10,46,938/-, by way of demand draft drawn in favour of Joint Commissioner of Labour, Salem, within a period of 30 days and also directed to deposit interest at the rate of 12% from the date of the incident till the date of deposit of the compensation amount of Rs.10,36,938/-, by way of demand draft drawn in favour of Joint Commissioner of Labour, Salem, within a period of 30 days from the date of receipt of a copy of the order.

4.The learned counsel appearing for the appellant further submitted that though the deceased died in the workplace, it has to be proved that the death occurred due to accident/ stress/ strain caused during the course of employment by adducing Doctor's evidence, however, in the present case, without any proof, the Joint Commissioner of Labour arrived at a conclusion that the death occurred due to the stress caused during the employment and awarded compensation in favour of the legal heirs of the deceased,



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which is not

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sustainable one. The learned counsel further submitted that two drivers were engaged for driving the vehicle, one is the deceased Selvam and another one is Kumar, however, the said Kumar was also not examined.

5.Heard the learned counsel appearing for the appellant and perused the materials available on record. Since this Court is not inclined to pass any adverse order as against the respondents, notice to the respondents is dispensed with.

6.Admittedly, the sixth respondent is the owner of the vehicle and two drivers were engaged by the sixth respondent for the said vehicle and the deceased after unloading the cattle feed in Rajanakunde, Karnataka, felt pain in heart and died. Hence, the death occurred during the course of employment and due to the stress caused by the employment and the Joint Commissioner of Labour, Salem, rightly awarded compensation in favour of the legal heirs of the deceased. Further, the quantum of compensation awarded to the legal heirs of the deceased also is just and reasonable and hence the



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impugned award warrants no interference.

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7.The civil miscellaneous appeal is dismissed. The award passed in E.C.No.193 of 2019 dated 06.10.2023 by the Joint Commissioner of Labour, Salem, is confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Joint Commissioner of Labour,
Salem.



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