



WEB COPY



C.M.A. No.1652 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM:

**THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE**

C.M.A. No.1652 of 2021

1. Madhamma
2. Venkatesan
3. Thangamani

.... Appellants

vs.

1. M. Chinnaraj
2. Future General Insurance Co. Ltd.,  
6<sup>th</sup> Floor Tower – 3,  
India Bulls Finance Centre,  
Sanapathy Papat Marg,  
Elphinesone Road,  
Mumbai – 400 013.

.... Respondents

**Prayer :** Civil Miscellaneous Appeal filed under Section 30(1) of Workmen Compensation Act challenging the order dated 07.01.2021 passed in W.C. No.537 of 2014 by Commissioner of Workmen Compensation, (Joint Commissioner of Labour), Salem.

For Appellants

:No appearance

For Respondents

:No appearance - R1

Mr.G. Guru Swaminathan

for M/s.Nageswaran & Narichania for R2

### **JUDGMENT**

There is no representation on the side of the appellants. On the last hearing date, i.e., on 04.04.2024, the learned counsel for the appellants



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sought time to file additional documents to prove that there was an employer-employee relationship between the deceased and the employer.

The appellants are the claimants and they have challenged the order of the Commissioner of Workmen's Compensation in this appeal. In the impugned order, the claim of the appellants has been rejected on the ground that the deceased was the son of the owner of the vehicle and there was no employer-employee relationship between the deceased and the owner of the vehicle.

2. This Court has perused and examined the impugned award. Admittedly, no documents have been filed by the appellants/claimants showing that the deceased was an employee of the insured, who is none else than his own father. The claimants / appellants have not filed the salary certificates issued by the employer of the deceased. The Workmen's Commissioner has rightly given due consideration to the available evidence on record and has rightly held that the appellants / claimants have not proved through oral and documentary evidence that there was employer-employee relationship. As a result of the same, the Tribunal has rightly dismissed the claim which is the subject matter of challenge in this appeal.



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3. The learned counsel for the appellants despite his assurance to produce documents to prove that there was an employer-employee relationship has failed to do so, despite this Court having granted sufficient opportunity to produce the same. There is no representation on the side of the appellants, today. It can also be inferred that the appellants do not have any documentary evidence to prove that there was an employer-employee relationship between the deceased and the employer. There is no substantial question of law involved in this appeal as there is no debatable issue on hand for this Court's consideration.

4. In the result, there is no merit in this appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs.

**22.04.2024**

Index: Yes/No  
Internet: Yes/No  
Speaking Order/Non-Speaking Order  
vsi2



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**ABDUL QUDDHOSE, J.**

vsi2

To

1.The Commissioner of Workmen Compensation  
(Joint Commissioner of Labour), Salem.

2. The Section Officer,  
V.R. Section, High Court of Madras,  
Chennai – 104.

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**22.04.2024**