



C.M.A.(MD)No.1032 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **03.09.2024**

CORAM :

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A(MD)No.1032 of 2024
and C.M.P(MD)No.10820 of 2024

The Managing Director,
Ramanathapuram District Cooperative Spinning Mills Ltd.,
Achangulam,
Kamuthi Taluk,
Ramanathapuram District 623 601 ... Appellant/Respondent
Vs.
K.Pandiyammal ...Respondent/Applicant

PRAYER: Civil Miscellaneous Appeal is filed under Section 30 of the Employees Compensation Act, 1923 against the order passed in E.C.No. 86 of 2021 on the file of the Joint Commissioner of Labour, Madurai, Authority under the Employees Compensation Act, 1923 dated 28.05.2024.

For Appellant : Mr.C.Vakeeswaran
For Respondent : No appearance

JUDGMENT

The appeal challenges the award of the Labour Commissioner granting compensation to the respondent.



2. The respondent filed a claim petition stating that while her husband was working in the mill of the appellant, he met with an accident, while going to his work place for the shift, which commenced at 7.30 a.m; that he sustained fatal injuries and that the death was caused due to an accident during the course of employment.

3. The appellant filed a counter stating that the accident took place outside the workplace and not in the course of employment.

4. Before the Commissioner, the appellant examined herself as P.W.1 and marked Ex.P.1 to Ex.P.19. The respondent examined R.W.1 and marked Ex.R.1 to Ex.R.9.

5. The Commissioner, after taking into consideration the oral and documentary evidence, held that the accident took place during the course of employment and held the appellant liable to pay compensation. The factual finding of the Commissioner, that the accident took place while the deceased was going to his workplace and therefore it was during the course of employment, is based on the available record. The Commissioner, being the fact finding authority, the point raised by the



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appellant, which is factual in nature, cannot be entertained as no substantial question of law is involved in the instant appeal so as to warrant interference in the award passed by the Commissioner.

6. In fine, the appeal deserves to be dismissed. Accordingly, the appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2024

Index : Yes / No
Neutral Citation : Yes / No
CM

To

1. The Joint Commissioner of Labour, Madurai

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

CM

Judgment made in
C.M.A(MD)No.1032 of 2024
and C.M.P(MD)No.10820 of 2024

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