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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.M.A.(MD).No.1264 of 2015

Royal Sundaram Alliance Insurance Company Limited,
No.6, Surrontto Buildings,
LB Bridge Road, Adayar,
Chennai.

... Appellant

Vs.

1. C.M.Sami@munisamy

2. Niranjai

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 30 of Workmen Compensation Act, against the award dated 01.09.2014 made in E.C.No.82 of 2012 on the file of the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Trichy, served on 08.10.2014.

For Appellant : Mr.S.Srinivasa Raghavan

For R-1 : Mr.M.Ramesh

For R-2 : Mr.G.Karnan

JUDGEMENT

This Civil Miscellaneous Appeal has been filed against the award dated 01.09.2014 passed in E.C.No.82 of 2012 on the file of the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Trichy.



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2. It is a case of injury. In this appeal, the Appellant/Insurance Company has raised three substantial questions of law that no FIR was filed, there is no evidence to prove the alleged accident and there is no proof for employer and employee relationship,

3. It is seen from the records that the Accident Register was marked as Ex.P.1, wherein it is mentioned that the injured was working as Load man. While he climbed the lorry to unload the goods, he accidentally fell down and had sustained injuries, leading to 40% disability. Even though, there is no First Information Report, the Accident Register categorically confirms the accident.

4. As far as the relationship between the owner of the goods and the injured is concerned, the owner has not filed any written statement to deny the employer and employee relationship and had not appeared before the Tribunal to deny the relationship. In such circumstances, there is no categorical proof to indicate that there is no relationship between the employer and the injured. Therefore, all the three substantial questions of law are against the Appellant/ Insurance company. Therefore, this Court is of the considered opinion that the Learned Commissioner of Workmen Compensation (Deputy Commissioner of



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Labour), Trichy, has rightly passed the award of compensation and therefore, the Appeal is liable to be dismissed.

5. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

The award, dated 01.09.2014 passed in E.C.No.82 of 2012 by the Learned Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Trichy, is hereby confirmed. Since the Appellant/Insurance Company has already deposited the entire compensation amount, the claimant is permitted to withdraw the same. No Costs.

08.04.2024

Index : Yes / No
NCC : Yes / No

KSA

TO:

1. The Commissioner of Workmen Compensation
(Deputy Commissioner of Labour),
Trichy.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Judgment made in
C.M.A.(MD).No.1264 of 2015

08.04.2024