



CMA(MD)No.799 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CMA(MD)No.799 of 2008

S.Arumugam

... Appellant

VS.

M/s.K.S.Construction,
Plot No.39, Anna Nagar,
Madurai.

... Respondent

Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order passed by the learned Commissioner for Workmen's Compensation, Tiruchirappalli, dated 29.08.2005 in W.C.No. 104 of 2002.

For Appellant : No appearance
For Respondent : No appearance

J U D G M E N T

This appeal has been filed by the workman against the employer under the Workmen's Compensation Act, 1923, since his claim petition in W.C.No.104 of 2002 filed under the Workmen's Compensation Act, 1923, got dismissed vide order dated 29.08.2005.



2. The appellant claiming that he was working as a Loadman under the respondent who was the Contractor for constructing railway over bridge at Srirangam, had claimed compensation of Rs.3 Lakhs for the injury sustained by him in the alleged accident that took place on 21.08.2001. The master-servant relationship was denied by the respondent Contractor and the alleged accident on 21.08.2001 was also denied. After appreciating the evidence, the claim petition was dismissed on the ground that the claimant has not even produced the document to prove under whom he was employed and how he was employed. Being aggrieved, present appeal been filed but when the appeal was taken up for consideration, there was no representation.

3. The notes paper reveals that even on earlier occasion viz., 12.06.2008, there was no representation for the appellant. Hence, the matter was listed under the caption 'For default' on 13.06.2008 and on that day also, there was no representation. Hence, the appeal was dismissed for default. Thereafter, the appellant/claimant has filed application to restore the appeal and the same got allowed on 25.02.2010, since then the appeal is kept pending. For the second time, there is no representation for the appellant today when the matter is called.



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Considering the facts of the case which have been narrated above, this Court finds no merit in this appeal since the appellant had not placed any acceptable evidence to prove the master-servant relationship and also the alleged accident.

4. Hence, the Civil Miscellaneous Appeal is dismissed. No costs.

16.02.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

The Commissioner for Workmen's Compensation,
Tiruchirappalli.



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DR.G.JAYACHANDRAN, J.

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JUDGMENT MADE IN
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