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C.M.A.No.3517 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.01.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**C.M.A.No.3517 of 2024**

1.Anjalai  
2.Saratha  
3.Karuthamani

... Appellants

Vs.

1.Anbazhagi

2.ICICI Lombard General Insurance Company Limited,  
Arihant Plaza, 84&85,  
1<sup>st</sup> Floor, Wall Tax Road,  
Chennai – 03.

... Respondents

**Prayer:**

Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, to set aside the award dated 10.01.2024 and made in E.C.No.224 of 2021 on the file of the Joint Commissioner of Labour – II, Chennai.

For Appellant : Mr.F.Terry Chella Raja  
For Respondents : Mr.R.V.Sivaraj for R2

**J U D G M E N T**

This appeal has been filed against the award dated 10.01.2024

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made in E.C.No.224 of 2021 on the file of the Joint Commissioner of Labour – II, Chennai.

2.The learned counsel appearing for the appellants submitted that on 16.09.2021 at about 01.15 p.m. the deceased Velu was driving the auto bearing Registration No.TN-05-BU-4694 belonging to the first respondent from Sengundram to Kavarapettai and when the deceased turned the auto from Karanodai over bridge to Janapanchanthiram new over bridge, he lost control over the auto and the auto capsized and the deceased died on the spot. Since the accident occurred during the course of employment, the appellants/ wife, daughter and son of the deceased filed claim petition before the Court of Commissioner of Workmen's Compensation – II (Joint Commissioner of Labour – II), at Chennai, claiming compensation.

3.The learned counsel appearing for the appellants further submitted that after adjudication, the Joint Commissioner of Labour – II, Chennai, fixed a sum of Rs.11,22,525/- + Rs.10,000/- for funeral expenses as compensation and directed the first respondent to deposit the said amount with interest at the rate of 12% from the date of



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accident till the date of deposit of the compensation amount before the Court of Commissioner for Workmen's Compensation – II, by way of demand draft drawn in favour of the Joint Commissioner of Labour – II, Chennai - 6, within a period of 30 days from the date of receipt of a copy of the order. Aggrieved by the same, the appellants have filed this appeal.

4.The learned counsel appearing for the appellants further submitted that the deceased possessed driving licence, however, he mis-placed the driving licence and hence, the claimants could not produce the driving licence before the Joint Commissioner of Labour – II, at Chennai. The learned counsel further submitted that the first respondent did not appear before the Joint Commissioner of Labour – II, at Chennai and he was set exparte by the Joint Commissioner of Labour – II, at Chennai , however, the Joint Commissioner of Labour – II, at Chennai directed the first respondent to deposit the compensation amount, which is not sustainable one.

5.The learned counsel appearing for the second respondent submitted that the first respondent was set exparte by the Joint Commissioner of Labour – II, at Chennai. The claimants did not



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produce the driving licence of the deceased before the Joint Commissioner of Labour – II, at Chennai and hence, the Joint Commissioner of Labour – II, at Chennai on the basis of the decision of the Hon'ble Apex Court reported in 2020 ACJ 3000 [Belli Ram Vs. Rajinder Kumar and another] directed the first respondent to deposit the compensation amount, which warrants no interference.

6.Heard the learned counsel appearing for the appellant and the learned counsel appearing for the second respondent and perused the materials available on record.

7.The appellants/ claimants have to necessarily produce the driving licence of the deceased before the Joint Commissioner of Labour – II, at Chennai in order to prove that the deceased possessed valid driving licence. Admittedly, the claimants did not produce the driving licence of the deceased before the Joint Commissioner of Labour – II, at Chennai and hence, the Joint Commissioner of Labour – II, at Chennai on the basis of the decision of the Hon'ble Apex Court reported in 2020 ACJ 3000 [Belli Ram Vs. Rajinder Kumar and another] directed the first respondent to deposit the compensation amount, which warrants no interference.



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8.The civil miscellaneous appeal is dismissed. The award dated 10.01.2024 made in E.C.No.224 of 2021 on the file of the Joint Commissioner of Labour – II, Chennai, is confirmed. No costs.

**10.01.2025**

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Joint Commissioner of Labour – II,  
Chennai.



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**M.DHANDAPANI,J.**  
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**10.01.2025**