



WEB COPY

CMA No. 2591 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2591 of 2023

AND

CMP NO. 23849 OF 2023, CMP NO. 23853 OF 2023

1. A.K.P. Moorthy
S/o. A.K.P. Palaniyappan, Pappampatty
Post and Villgae, Pappireddiatty Taluk,
Dharmapuri District.

Appellant(s)

Vs

1. K. Perumal
S/o. Krishnan, Puthu Kokkarapatti
Villag, Kokkarappatti Post,
Pappireddiatty Taluk, Dharmapuri
District.

Respondent(s)

CMA No. 2591 of 2023

PRAYER

To allow the Civil Miscellaneous Appeal by setting aside the order dated 02.02.2023 passed in EC No.253 of 2021 on the file the Court of Commissioner for Workmens Compensation, Salem.

**CMA No. 2591 of 2023**

For Appellant(s): Mr.S. Senthil

For Respondent(s): Mr.V.Chinnasami

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JUDGEMENT

This Civil Miscellaneous Appeal has been filed against the order dated 02.02.2023 passed in EC No.253 of 2021 on the file the Court of Commissioner for Workmens Compensation, Salem(in short" commissioner").

2. On 28.05.2021, the respondent was working in the appellant's work site at that the respondent fall from the ceiling of centring due to which the respondent sustained injuries. Thereafter, the respondent filed the petition before the Court of Commissioner for Workmen's Compensation, Salem, claiming compensation. After considering the oral and documentary evidence the commissioner awarded compensation of 7,26,915/-. Challenging the award passed by the commissioner the appellant filed this appeal.

2. The learned counsel for the appellant submits that the respondent has not engaged the respondent directly to his work site and the respondent was engaged through contractor Raja but he was not impleaded in the said proceedings and also learned labour commissioner erroneously held that the



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injured was directly worked under the appellant and passed award as such is erroneous and liable to be set aside. Further, he pointed out that immediately after the accident the appellant brought the respondent to the Ganga Hospital, Salem, and paid his medical expenses of Rs.2,80,000/- to that effect he produced medical records and bills which was marked as Ex.R1 & R2 but the same has not been appreciated by the commissioner and by including the medical expenses he passed award as such is exorbitant and liable to be set aside. Hence, he prays to allow this appeal.

3. The learned counsel for the respondent submits that the entire medical expenses was paid by the respondent but the receipt was handed over to the appellant and the same was manipulated as if the appellant has paid for the medical expenses. Therefore, the labour commissioner rightly passed order which needs no interference. Hence, he prays to dismiss this appeal.

4. Heard the submissions on both sides. According to the appellant, through one contractor Raja he engaged the respondent to construct the building in his work site belongs to the appellant, the said Raja was examined as



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R.W.2, as per his evidence he brought the respondent to the work place for centring work and engaged in construction work. Admittedly, the appellant engaged the respondent for the construction work belongs to the appellant. Therefore, the tribunal rightly held that the respondent employed under the appellant which needs no interference.

5. In respect of payment of medical expenses, according to the appellant he claimed that he paid medical expenses of Rs.2,80,000/- at the hospital to that effect he produced the medical receipts but the same was denied by the respondent. While filing appeal before this Court the appellant has deposited entire award amount and on 02.07.2025 this Court permitted the respondent to withdraw 50% of the award amount and the same was withdrawn by the respondent. As on date Rs.4,51,000/- lying in the account of the commissioner of workmen's compensation, Salem. As per records, the respondent met out the said medical expenses hence this Court is inclined to modify the award passed by commissioner by permitting the respondent to withdraw a sum of Rs.2,50,000/- and the appellant is permitted to withdraw Rs.2,51,000/- from the remaining deposited amount lying in the account of commissioner.



Accordingly, this Civil Miscellaneous Appeal is disposed of. No Costs. Pending

petition(s), if any, is/are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner for Workmens Compensation, Salem.
2. The Section officer, V.R Section, High court, Madras.



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T.V.THAMILSELVI J.

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AND CMP NO. 23849
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23853 OF 2023**

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