



WEB COPY

CMA No. 27 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 27 of 2023

1. M.Prabu
S/O.Malayalee, Res at 26a,
Anichampalayam Post, P.Velur Taluk,
Namakkal District

Appellant(s)

Vs

1. R.Prabhu
S/O.Rajendran, No.105, North
Thirumalaigiri, Kalappanaickenpatti
Post, Namakkal District

2.Divisional Manager
United India Insurance Co.Ltd., No.2,
Bhuvaneswari Complex, Dr.Sankaran
Road, Namakkal Town 637 001

Respondent(s)

CMA No. 27 of 2023

PRAYER



To enhance the award amount in WC.No. 203 of 2017 on the file of Commissioner, Employees Compensation of Labour, Coonoor order dated 15.02.2019

CMA No. 27 of 2023

For Appellant(s): Ms.V.Swetha For
Mr.M/s.C.Thangaraju

For Respondent(s): Ms.S.Krithika Devi For Mr.C.
Ramesh Babu For R2 R1 - No
Appearance

JUDGEMENT

This Civil Miscellaneous appeal has been filed to enhance the award amount in WC.No. 203 of 2017 on the file of Commissioner, Employees Compensation of Labour, Coonoor order dated 15.02.2019.

2. The appellant filed this appeal challenging the award passed in WC.No. 203 of 2017 on the file of Commissioner, Employees Compensation of Labour, Coonoor(in short 'tribunal') order dated 15.02.2019. In respect of monthly income fixed by the tribunal as well as disability fixed by the Tribunal the appellant filed this appeal. The learned counsel for the appellant submits that the appellant have rich experience in driving the heavy vehicle at time of the accident earned Rs.600/- per day which comes around Rs.18,000/- but the



tribunal erroneously fixed Rs.8,000/- per month. Further the accident was happened in the year 2016. So also, disability of the appellant has not been properly appreciated by the tribunal. Hence, he prayed to enhance the compensation.

3. The learned counsel for the second respondent raised objection to enhance the compensation and also stated that considering the oral and documentary evidence, the tribunal rightly arrived compensation. Furthermore, he pointed out that notional income also been fixed based upon the G.O. NO. 2 (D), Labour and Employment(J1) dated 12.12.2013, as Rs.8,000/-.

4. Considering the fact that as per the certificate issued by the doctor the appellant sustained 50 % permanent disability but that certificate was not issued by the medical board. Therefore, the tribunal has fixed 50% for the loss of earning capacity but monthly fixed Rs.8,000/-. Considering the fact that accident was happened in the year of 2016 it is also admitted fact that he was tipper lorry driver and accident was happened in the year of 2016, he could have earned Rs.500 per day. Considering the cost of living in the year 2016, this Court is inclined to enhance income from RS.8,000/- to Rs.16,000/-. In respect



of other heads awarded passed by the tribunal needs no interference.

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5. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:

S.No.	Head	Compensation awarded by the tribunal	Compensation awarded by this Court
1.	Age factor	201.66	201.66
2.	Salary	Rs.8,000/-	Rs.16,000/-
3.	Disability	50%	50%
4.	Compensation	8000x60/100x201.6 6x50/100	16000x60/100x201. 66x50/100
	Total	Rs.4,83,984/-	Rs.9,67,968/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.9,67,968/-. The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, after deducting the amount already deposited, if any, to the credit of W.C No. 203 of 2017, on the file of Commissioner, Employees Compensation of Labour, Coonoor, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the said amount by filing appropriate application before



the Tribunal.

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4. With the above direction, the Civil Miscellaneous Appeal is partly
allowed. No cost.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner, Employees Compensation of Labour, Coonoor

2. Divisional Manager

United India Insurance Co.Ltd., No.2, Bhuvaneshwari Complex, Dr.Sankaran
Road, Namakkal Town 637 001

3. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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