



WEB COPY

CMA No. 3018 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3018 of 2023

AND

CMP NO. 28550 OF 2023

1. Sri Srinivasa Rice Mill

Rep. by it Proprietors Srinivasan, 331
Chennai Main Road, (Near Vikravandi
Toll Gate), Vikravandi, Villupuram
District.

Appellant(s)

Vs

1. Revathi

W/o. Late Murugan, Chitthani Village,
Tindivanam Taluk, Villupuram District
605651.

2.Minor Krishnakumar

S/o. Late Murugan, Chitthani Village,
Tindivanam Taluk, Villupuram District
605651.

3.Minor Tamizhselvan

S/o. Late Murugan, Chitthani Village,
Tindivanam Taluk, Villupuram District
605651.



Respondent(s)

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PRAYER

To set aside the order of the commissioner, Workmen's Compensation Forum-cum-Joint Commissioner (Labour) Vellore dated 25.09.2023 in EC.No.119 of 2018 by allowing the above appeal and thus render justice.

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For Appellant(s): D.Rajagopal

For Respondent(s): Mr. A.Abdul Rahman For
M/s.Marks Attorney For Rr 1 To
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JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the order of the commissioner, Workmen's Compensation Forum-cum-Joint Commissioner (Labour) Vellore dated 25.09.2023 in EC.No.119 of 2018.

2. On 17.02.2017 at about 11.30 hours, the deceased Murugan died due to the suffocation while working in the appellant's rice Mill. Thereafter, the respondents herein filed the petition before the Joint Commissioner Labour claiming under workmen's compensation Act. The appellant herein contested the case by filing counter. After considering the oral and documentary evidence,



the commissioner awarded a sum of Rs.7,36,680/- as compensation.

Challenging the impugned award dated 25.09.2023, the appellant filed this appeal.

3. The learned counsel for the appellant submits that the deceased Murugan was not employed as worker in the appellat's Rice Mill, therefore, the deceased will not come under the definition of 'worker' as defined under Section 2(l) of the Factories Act and Section 2 (n) of the Workers' Compensation Act. Further, in her cross exmaination of P.W.1/wife of the deceased Murugan, stated that she has not filed any document to prove that the deceased husband was employed in the appellant's rice mill. Further, the learned judged failed to note that FIR cannot be a substantive evidence as laid in catena of cases by the Honourable Apex Court. Further, the judge erred in fixing Rs.7,36,680/- as compensation without any proof. Hence, he prays to set aside the award passed by the labour commissioner.

4. The learned counsel for the respondent submits that at the time of the accident deceased Murugan was employed under in the appellant's rice mill and he was died during the employment and the same was rightly appreciated by



the tribunal which needs no interference. Hence, he prays to dismiss the appeal.

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5. Considering the submission on either side, the main objection raised by the appellant is that the deceased Murugan was not a regular employee of the appellant's rice mill. It is an admitted fact that on 17.02.2017 when the deceased was engaged in the rice mill at that time he was suffered with suffocation and died on the spot to that effect the respondents filed the FIR, which reveals that accident was happened inside appellant's mill. In the evidence of P.W.1/wife of the deceased Murugan, stated that Ravi engaged the deceased Murugan for work to Rice Mill and informed her that has died due to the suffocation but the said Ravi was not examined on the side of the respondents, however, the same fact was narrated in the FIR. Though the appellant disputing the incident, no oral and documentary evidence was produced on the side of the appellant to disprove the same. Moreover, on perusal of the counter statement the appellant has not specifically denied the employment of the deceased Murugan under the appellant's rice mill and there is no oral and documentary evidence has provided to that effect. Now, the appellant cannot raise new plea at this stage. Therefore, the objection raised by the appellant is unsustainable, the order passed by the



labour commissioner needs no interference. The findings rendered by the tribunal needs no interference. Accordingly, this appeal is dismissed. No Costs.

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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



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S/o. Late Murugan, Chitthani Village,
Tindivanam Taluk, Villupuram District
605651.

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

5. The commissioner, Workmen's
Compensation Forum-cum-Joint
Commissioner (Labour) Vellore.



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T.V.THAMILSELVI J.
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