



C.M.A.No.106 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

C.M.A.No.106 of 2025

Imdaulla @ Inthadulla

...Appellant

Vs.

1. V.Murugan

2. United India Insurance Company Limited,
Divisional Office,
No.225, TNA Complex, Salem Road,
Thiruchengode – 637 211.

...Respondents

Civil Miscellaneous Appeal filed under Section 30 of the Workmen Compensation Act, 1923, as against the award dated 04.11.2024 made in E.C.No.40 of 2023 on the file of the Commissioner of Workmen's Compensation, Coonoor (Siting at Erode).

For Appellant : Mr.J.Ranjithkumar



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JUDGMENT

WEB COPY This Civil Miscellaneous appeal has been filed challenging the award passed in E.C.No.40 of 2023 dated 04.11.2024 on the Commissioner of Workmen's Compensation, Coonoor.

2. The case of the appellant/claimant is that, on 20.12.2022 at about 08.30 am., when he was driving the Lorry bearing Regn.No.TN-34-W-9865 owned by the 1st respondent insured with the 2nd respondent along with co-driver namely Dass from Uthar Pradesh to Chennai, near Mondigutta forest check post, when the appellant tried to overtake the lorry which was proceeding in front of the lorry driven by him, he dashed against the divider and also dashed against the Container lorry bearing Regn.No.HR-38-Z-6799, which was coming from opposite direction, and as a result, the appellant sustained grievous injuries and got admitted in the hospital. Thereby, the appellant filed a claim petition claiming a compensation of Rs.25,00,000/-. Before the trial court, the claimant examined himself as P.W.1 and marked exhibits P.1 to P.20 and on the side of respondents, no documents were marked and no witness was examined and Disability



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certificate was marked as court document Ex.C.1. After trial, the Trial court, on appreciation of oral and documentary evidence awarded a meagre compensation of Rs.11,48,911/-. Aggrieved with the said order, the appellant has come up with this appeal, seeking enhancement of the compensation.

3. Learned counsel for the appellant submitted that, the accident is of the year 2022 and that the accident had taken place during the course of employment under the 1st respondent and at the time of accident, the appellant was aged about 55 years and was hale and healthy and due to the injuries sustained by him, the appellant suffered 80% disability and is unable to continue his avocation which he was doing before the accident. However, the tribunal had miserably failed to consider the same and had fixed the monthly income of the appellant as Rs.15,000/-, which is very meagre and the same is contrary to the Minimum wages Act and the same has to necessarily be enhanced to Rs.16,796/-. Accordingly, he prayed for appropriate orders.



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4. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

5. The factum and manner of the accident is not in dispute and therefore, this Court is not entering into the said aspect. Though it is claimed by the learned counsel for the appellant that as per the Minimum Wages Act, the income of the appellant should be fixed at Rs.16,796/-, however, the Commissioner has fixed the wages at Rs.15,000/-, which is erroneous.

6. This Court perused the entire record and on perusal of the same, it is evident that, the appellant filed a claim petition seeking compensation for the injuries sustained by him due to the accident that had taken place during the course of employment under the 1st respondent. The employer-employee relationship in between the appellant and the 1st respondent is not in dispute. At the time of accident, the appellant was aged about 55 years and thereby, the Commissioner had fixed the factor at 135.56, which cannot be said to be erroneous.



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7. Though it is the claim of the appellant that he is entitled for a sum of Rs.16,796/- to be fixed as his monthly income, as per the notification dated 02.01.2020, the maximum monthly income can be fixed only at Rs.15,000/- in the absence of any income proof. In the present case, as the appellant failed to prove his monthly income, thereby, the Commissioner fixed the monthly income of the appellant at Rs.15,000/- as per the existing law. When the Act prescribes Rs.15,000/- per month, the Commissioner have no power to fix or enhance the monthly income beyond that. Hence, this Court is not inclined to interfere with the same.

8. Insofar as the compensation awarded under other heads are concerned, the Tribunal has taken into consideration the nature of injuries suffered by him and after proper appreciation of the material documents placed before it, the tribunal has awarded the compensation, which cannot be said to be erroneous or arbitrary and, therefore, this Court confirms the award passed by the trial court in favour of the appellant.



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9. For the reasons aforesaid, this Appeal stands dismissed, confirming the award passed by the tribunal and the 2nd respondent-insurance company is directed to deposit the compensation of **Rs.11,48,911/-** awarded by the tribunal to the credit of E.C.No.40 of 2023 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any, already deposited, within a period of six weeks (6) from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the Tribunal is directed to transfer the said amount to the claimant directly to his bank accounts through RTGS within a period of two (2) weeks thereafter. There shall be no order as to costs in this appeal.

24.01.2025

skt

NCC : Yes/No

Index : Yes/No

Speaking order : Yes/No

To:

The Commissioner of Workmen's Compensation,
Coonoor.

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M.DHANDAPANI, J.

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