



C.M.A.(MD)No.588 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD)No.588 of 2022

and

CMP(MD)No.5037 of 2022

Gnansekaran

... Appellant

vs.

1. Amaravathi

2. Chinnathambi

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 30(1) of Workmens Compensation Act, to set aside the award dated 31.08.2021 received on 22.09.2024 made in E.C.No.135 of 2016 on the file of the Commissioner Employee's Compensation (JCL), Trichy.

For appellant : Mr.G.Mohan Kumar

For R-1 & R-2 : Mr.D.Ramesh Kumar



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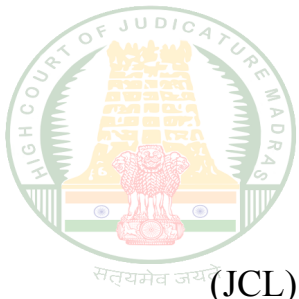
J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the Employer against the award dated 31.08.2021 made in E.C.No.135 of 2016 on the file of the Commissioner Employee's Compensation (JCL), Trichy.

2. Heard the learned Counsel for the appellant and perused the records.

3. The father and mother of deceased Rathinam filed a claim petition before the Commissioner of Employee's Compensation (JCL), Trichy, in E.C.No.135 of 2016, by stating that on 02.11.2015 at about 09.00 a.m, when their daughter was working in the respondent's factory, namely, Sri Sairam Industries, at about 03.30 p.m, due to snake bite, she was admitted in the hospital and thereafter, she died. As the death occurred on account of employment, claim petition was filed claiming compensation of Rs. 10,00,000/-.

4. Upon consideration, the Commissioner Employee's Compensation



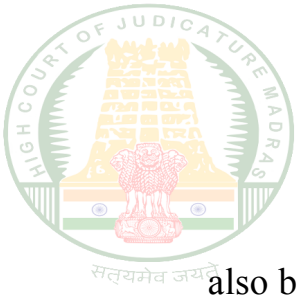
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(JCL), Trichy, held that the accident occurred on account of employment and it was concluded that as the deceased was working in the respondent's factory, the claimants are entitled for compensation and it was quantified at Rs.6,57,280/- with 12% interest payable from the date of occurrence.

5. The learned Counsel appearing for the appellant vehemently contended that the deceased is not a workmen under Section 2(1)(n) of Workmen Compensation Act and the accident did not occur inside the premises of the respondent's factory. It is his further argument that the age, income and quantum fixed by the authority are not correct.

6. It is the evidence of P.W.1 that the deceased Rathinam, who is the daughter of claimants, had been working in the respondent's factory for about 10 years and on 02.11.2015 at about 03.30 p.m, during the course of employment, due to snake bite, their daughter was taken to Pudukkottai Government Hospital and thereafter, she died. It appears that the deceased suffered snake bite during the course of employment. As per the principle of notional extension of employers' premises, the place of accident has to be construed as the place of duty, of the workman. Therefore, these details have



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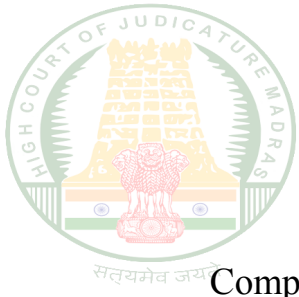
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also been conceded by R.W.1 when he was in the dock and the Commissioner of Employee's Compensation, upon consideration has held that the accident occurred during the course of employment.

7. The Commissioner has fixed the deceased salary at Rs.8,218/- based on the Minimum Wages act. However, as per the Workmen Compensation Act, the maximum salary that can be fixed as Rs.8,000/- and the compensation is worked out as $50/100 \times 8000 \times 163.07 = \text{Rs.}6,52,280/-$, for the funeral expenses an amount of Rs.5,000/- is granted. In all, an amount of Rs.6,57,280/- was ordered as compensation payable by the respondent at the rate of 12% interest from the date of accident.

8. From the both side evidence and a careful perusal of the order, it is pellucid that the accident occurred during the course of employment and as ordered, the employer is liable to pay compensation. This Court does not find any perversity or infirmity in the said Order.

9. Based on the above said discussions and observations, this Civil Miscellaneous Appeal stands dismissed. The Commissioner Employee's



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Compensation shall disburse the compensation amount to the claimants herein, within a period of two (2) months from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
jbr

To

1. The Commissioner Employee's Compensation (JCL), Trichy.
2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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R.KALAIMATHI,J

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Pre-delivery order made in
C.M.A.(MD) No.588 of 2022

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