



C.R.P.(PD)(MD) No.2986 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.03.2025**

**CORAM**

**THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

C.R.P.(PD)(MD) No.2986 of 2024

and

C.M.P.(MD) No.17109 of 2024

M/s.Royal Sundaram General Insurance Company Ltd.,  
APT Towers,  
No.12A, 5<sup>th</sup> Floor,  
Bypass Road, Madurai-625 510,  
Through its Branch Manager.

... Petitioner/Petitioner/  
2<sup>nd</sup> Respondent

Vs.

1.Sahubar Nisha

2.Abdul Rahim

3.Anusu

... Respondents 1 to 3/  
Respondents 1 to 3/Petitioners

4.A.Rajeshkumar

... 4<sup>th</sup> Respondent/  
4<sup>th</sup> Respondent/1<sup>st</sup> Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the fair order dated 24.09.2024 passed in I.A.No.46 of 2024 in E.C.No.70 of



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2023 on the file of the Joint Commissioner for Labour (Commissioner for Employers Compensation), Madurai.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.J.Bharathan – for R1 to R3

### ORDER

This civil revision petition is filed under Article 227 of the Constitution of India aggrieved by an order dated 24.09.2024 passed in I.A.No.46 of 2024 in E.C.No.70 of 2023 on the file of the Joint Commissioner for Labour (Commissioner for Employers Compensation), Madurai.

2. The said workmen compensation claim was filed by Respondents No.1 to 3 herein consequent upon the death of the husband of Respondent No.1 and son of Respondent Nos.2 and 3 under the provisions of the Workmen's Compensation Act, 1923. In the said claim petition, the petitioner herein appears to have filed statement of objections stating that the deceased has been working abroad and has come down India and was travelling in the



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vehicle in question not as an employed driver/workman. In order to establish the said contention, the petitioner herein sought for production of the passport of the deceased, but the same was not produced. Hence, the petitioner filed the present interlocutory application seeking for appointment of Commissioner to collect the relevant information from the Regional Passport Office, Chennai, but the said application is now dismissed by the learned Commissioner by passing the order under revision.

3. The said application was dismissed by the learned Commissioner on the ground that the deceased was admittedly driving the vehicle in question at the time of accident and therefore, there is no necessity for gathering any information from the office of the Regional Passport Officer, Chennai. While passing the order under revision, the learned Commissioner also made certain observations, which dealt with the merits of the matter. In the light of the above, the petitioner herein approached this Court by filing the present revision.



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4. This Court after hearing the learned counsel for the petitioner and the learned counsel for Respondents No.1 to 3, is inclined to agree with the reasoning assigned by the learned Commissioner in not entertaining the interlocutory application filed by the petitioner, as admittedly, the deceased was driving the vehicle in question at the time of accident. Whether the deceased was driving the vehicle as a Driver employed by Respondent No.4 or not is a matter that has to be decided based on the material placed on record by either parties. Mere fact that the petitioner was residing outside India prior to the date of accident hardly makes any difference. Even assuming that the deceased was residing outside India for long years prior to the date of the accident that would not establish that the deceased has come down to India temporarily and is not employed by Respondent No.4. Hence, even if the application filed by the petitioner herein is allowed, no useful purpose would be served and the learned Commissioner has to decide the matter basing upon the material available before him as to the employment or non-employment of the deceased on the vehicle belonging to Respondent No. 4. In the circumstances, this Court is not inclined to interfere with the order impugned in this petition.



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5. Accordingly, this Civil Revision Petition is dismissed. However, the learned Commissioner is directed to dispose of the main claim petition, on its own merits without being influenced by the observations made in the order under revision touching the main matter. There shall be no order as to costs.

**10.03.2025**

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

ABR

To

The Joint Commissioner for Labour  
(Commissioner for Employers Compensation),  
Madurai.



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**MUMMINENI SUDHEER KUMAR, J.**

ABR

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**10.03.2025**