

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6614 OF 2021
[@ SPECIAL LEAVE PETITION (C) NO. 10229 OF 2015]

MAYAN Appellant (s)

VERSUS

MUSTAFA AND ANR. Respondent(s)

O R D E R

Leave granted.

The challenge in the present appeal is to an order passed by the learned Single Judge of the High Court of Judicature at Madras on 25.04.2013, whereby an appeal filed by the first respondent was accepted on the ground that the Compensation Commissioner at Trichirapalli has no jurisdiction to entertain the complaint as it is the Compensation Commissioner at Cuddalore, who has the jurisdiction to entertain the complaint.

In an accident, which occurred during the course of employment on 05.03.2001, the appellant lost his right leg which got stuck in a Harvesting Machine. The appellant was working as a worker in the agricultural farm of the respondent since 1997.

The learned Compensation Commissioner awarded a sum of Rs. 1,21,997/- with 12% interest. An appeal against the said award was maintainable only on substantial question of law in terms of Section 30 of

the Employees Compensation Act, 1923. But unfortunately, the High Court interfered with the award on the ground of territorial jurisdiction on the make-belief stand that the injured has not pleaded in his claim petition that he was residing within the jurisdiction of the Compensation Commissioner, Trichirapalli.

We find that the High Court should not have interfered in an appeal filed against the award of the Compensation Commissioner dealing with the injury of amputation of leg suffered by the appellant during the course of employment. The High Court should have heart to alleviate the loss suffered by the appellant but the order passed by the High Court shows total non-application of mind without any compassion to set aside an award of grant of compensation on account of loss of a limb on wholly untenable ground of lack of territorial jurisdiction. The appellant was a resident of Sriram Nagar, Thiruvaiyaru Town and Thanjavour District, falling within the jurisdiction of Trichirapalli, thus even legally the jurisdiction was that of Compensation Commissioner under Section 21(1)(b) of the Employees Compensation Act, 1923.

In view thereof, we allow the present appeal and set aside the order passed by the High Court and restore the order of the Compensation Commissioner. In addition to the amount already awarded by the

Compensation Commissioner, the first respondent shall pay an amount of Rs.1,00,000/- (Rupees One Lakh) to the appellant as Costs, for depriving him the compensation for the last more than 20 years. The due amount shall be paid within a period of two months from today.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

New Delhi;
NOVEMBER 08, 2021.

ITEM NO.26 Court 10 (Video Conferencing)

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 10229/2015

(Arising out of impugned final judgment and order dated 25-04-2013 in CMAMD No. 877/2010 passed by the High Court Of Judicature At Madras At Madurai)

MAYAN

Petitioner(s)

VERSUS

MUSTAFA AND ANR.

Respondent(s)

(IA No. 1/2015 - CONDONATION OF DELAY IN FILING)

Date : 08-11-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. M.P. Parthiban, AOR
Mr. A. S. Vairawan, Adv.
Mr. R. Sudhakaran, Adv.
Ms. Shalini Mishra, Adv.
Mr. T. Hari Sudhan, Adv.
Mr. Vikash G. R., Adv.

For Respondent(s) Mr. Rajinder Singh, AOR
Mr. R. Sharath, Adv.
Mr. Naman Garg, Adv.
Mr. Akhileshwar Jha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned. Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER

(Signed order is placed on the file)