

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2895 OF 2006

POOSAPPAN

.....

APPELLANT

VERSUS

G. MANI

.....

RESPONDENT

O R D E R

This appeal has been filed against the order dated 9th July, 2004 passed by the High Court of Judicature of Madras under Section 30 of The Workmen's Compensation Act, 1923.

It appears that the respondent filed a claim petition under Section 10 of the Act before the Workmen's Compensation Commissioner alleging that there was some accident and he claimed compensation for the same. The Workmen's Compensation Commissioner held that the claimant was not an employee of the appellant on the date of the accident and also held that no accident had in fact taken place and the documents filed by the claimant were fabricated. These are findings of fact and could not have been interfered with in an appeal under Section 30 of the Workmen's

Compensation Act.

The proviso to Section 30 of the Act states:

"Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than three hundred rupees."

Thus an appeal under Section 30 of the Workmen's Compensation Act is like an appeal under Section 100 of the Code of Civil Procedure and not like an appeal under Section 96 of the Code. Hence, the High Court could not have interfered with the findings of fact of the Workmen's Compensation Commissioner.

For the reasons aforesaid, the impugned judgment of the High Court is set aside. The appeal is allowed. Money deposited by the appellant should be refunded.

There shall be no order as to costs.

.....J
[MARKANDEY KATJU]

.....J

[ASOK KUMAR GANGULY]

NEW DELHI
OCTOBER 27, 2009.



