



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3333]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

CIVIL MISCELLANEOUS APPEAL NO: 314/2022

Between:

1. THE DIVISIONAL MANAGER, UNITED INDIA INSURANCE COMPANY
LIMITED, 15 1 ARUNDELPET, GUNTUR.

...APPELLANT

AND

1. JONALAGADDA ANJI BABU S/O NAGAMALLESWARA RAO, AGED
33 YEARS, GORANTLA VILLAGE, GUNTUR MANDAL, GUNTUR
DISTRICT.

2. JONNALAGADDA VENKATARATNAM W/O VARADARAJULU, AGED
71 YEARS, GORANTLA VILLAGE, GUNTUR MANDAL, GUNTUR
DISTRICT.

3. YAKATILA DHANA SIRISHA W/O SAMBASIVA RAO, AGED 30
YEARS, GORANTLA VILLAGE, GUNTUR MANDAL, GUNTUR
DISTRICT.

4. SIGAMSETTYRAJESH S/O SRINIVASA RAO, R/O. D.NO.478, 8TH
LANE SARADA COLONY, GUNTUR 522002.

...RESPONDENT(S):

Appeal Under Section _____ against orders

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate order dated 28.09. 2022 passed in CMA.No. 314 of 2022 and pass

Counsel for the Appellant:

1.L V S PRASAD BABU PUVVADA

Counsel for the Respondent(S):

1.MARELLA RADHA

The Court made the following:

J U D G M E N T:

The Civil Miscellaneous Appeal is filed by the appellant/insurance company, challenging the order dated 28.07.2022 passed in E.C.No.04 of 2019 by the Commissioner for Employees' Compensation and Assistant Commissioner of Labour, Guntur (for brevity "the Tribunal").

02. For the purpose of convenience, the parties will be referred to as they are arrayed before the Tribunal.

03. The case of the applicants, in brief, is as follows:

a) The case of the applicants is that the deceased, namely Jonnalagadda Nagamalleswara Rao, was working as an H.V. Driver under opposite party No.1 on lorry bearing No.AP 07 TB 0878 and opposite party No.2 is the insurer of the said vehicle.

b) On 02.01.2019, the deceased, along with the cleaner, started from Guntur with a load of mirchi to Bangladesh for unloading the same. After unloading the goods at Bangladesh on 12.01.2019, they proceeded towards Bihar State. On 14.01.2019, while the deceased parked the vehicle and was loading jute material at Raj Weighing Office (weigh bridge) situated within the limits of Rajpur Police Station, Nimarshi, he suddenly suffered severe chest pain. Immediately, he was shifted to Referral Hospital, Rajpur, and thereafter, on the advice of the doctors, he was referred to Purthiya for better treatment.

However, while being shifted, he died on the way. The incident was reported to Raghapur Police Station, Supoul District.

c) It is the contention of the applicants, the deceased died due to stress and strain arising out of continuous driving during the course of employment under opposite party No.1. The deceased was aged about 54 years and was earning Rs.8,000/- per month besides batta of Rs.200/- per day. Since the opposite parties failed to pay compensation, the applicants filed the claim petition seeking compensation of Rs.8,00,000/- along with interest.

4. Opposite party No.1 filed counter admitting that the deceased was employed as driver on the lorry in question and that the vehicle was insured with opposite party No.2 under a valid insurance policy. It was further admitted that the deceased died during the course of employment due to heart attack. However, it was contended that the compensation claimed was excessive and that, if any compensation is payable, the liability is on opposite party No.2/Insurance Company.

5. Opposite party No.2/Insurance Company filed counter denying the averments made in the claim petition. It was contended that there was no employer-employee relationship between the deceased and opposite party No.1 and that the deceased died a natural death due to heart attack, which is not covered under the policy. It was further contended that there was no nexus between the employment and the death of the deceased and that the claim is excessive and unsustainable.

6. During enquiry, the Tribunal framed issues for determination would be:

1) Whether the deceased was a workman as per the provisions of the Act and he died due to personal injuries he received in an accident arising out of and in the course of his employment? Or not, under Opposite Party-1.

2) Amount of compensation payable? to the applicants.

3) Who are liable to pay the compensation?

7. On behalf of the applicants, A.W.1 and 2 were examined and Exs.A1 to Ex.A.7 were marked. On behalf of opposite parties, R.W.s 1 and 2 were examined and Exs.B1 to B3 were marked.

8. After careful consideration of the oral and documentary evidence available on record, the Tribunal awarded compensation of Rs.5,43,325/- and directed opposite parties 1 and 2 to jointly and severally deposit the said amount within thirty days.

9. Aggrieved by the said award, the Insurance Company preferred the present appeal contending that the Tribunal erred in fastening liability upon the appellant when there was no accident involving the insured vehicle and when the death due to heart attack does not fall under Schedule-III of the Employees' Compensation Act. It is further contended that there was no medical evidence to establish that the deceased died due to stress and strain arising out of employment along with other grounds.

10. Heard Mr.L.V.S.Prasad Babu Puvvada, learned Standing Counsel for the appellant/insurance company and Ms.Marella Radha, learned counsel for respondents No.1 to 3 herein/applicants.

11. On a perusal of the impugned award, it is evident that the 1st applicant, being the son of the deceased, examined himself as A.W.1 and deposed that on 02.01.2019, the deceased, along with the cleaner, started from Guntur in the lorry carrying a load of mirchi for unloading at Bangladesh. The said load was unloaded on 12.01.2019 at Bangladesh and thereafter they proceeded towards Bihar State. On 14.01.2019, while the deceased had parked the vehicle and was loading jute material at Raj Weighing Office (weigh bridge) situated at Nimarshi within the limits of Rajpur Police Station, he suddenly suffered severe chest pain. Immediately, he was shifted to Referral Hospital, Rajpur and, after first aid, as per the advice of the doctors referred the deceased to Purthiya for better treatment. However, while he was being shifted, he died on the way. The incident was reported to Raghopur Police Station, Supoul District. A.W.1 further deposed that his father died due to heavy stress and strain resulting in heart attack while discharging his duties during the course of employment under opposite party No.1. In support of the claim, Exs.A1 to A7 were marked. The applicants also examined A.W.2, the mother of the deceased, who deposed on similar lines as A.W.1. Opposite party No.1 examined himself as R.W.2 and deposed that he is the owner of the lorry in question and that the deceased was working as driver of the said lorry at the time of his death. He further deposed that the vehicle was insured

with opposite party No.2 and that the policy covered the risk of workmen. He also admitted that the deceased had gone to Bangladesh on duty and, during the return journey in Bihar State, suffered chest pain. The Tribunal, upon considering the evidence of A.Ws.1 and 2 and R.W.2 coupled with Exs.A1 to A7, observed that the deceased had continuously performed driving duty from 02.01.2019 till 14.01.2019 in connection with a national permit vehicle travelling from Guntur to Bangladesh and thereafter towards Bihar State. The Tribunal rightly observed that the said journey was not a local trip and that continuous driving duty for more than ten days would necessarily involve stress and strain. Keeping in view that the Employees' Compensation Act, 1923 is a beneficial piece of legislation, the Tribunal relied upon judicial precedents wherein it was held that death due to heart attack caused by stress and strain during the course of employment would amount to personal injury arising out of and in the course of employment. Accordingly, the Tribunal held that the death of the deceased driver due to stress and strain suffered during the course of employment stood established beyond doubt and that the employer-employee relationship between the deceased and opposite party No.1 was also proved. Consequently, the Tribunal answered Issue No.1 in favour of the claimants, holding that the deceased was a workman under the provisions of the Act and that he died due to personal injuries sustained in an accident arising out of and in the course of his employment as an H.V. Driver under opposite party No.1.

12. With regard to the compensation, the Tribunal, taking into consideration that the deceased was aged about 55 years at the time of the accident, considered the wages payable to an H.V. Driver in public motor transport as per G.O.Ms.No.83 dated 22.11.2006. The Tribunal assessed the wages of the deceased at Rs.4,319/- per month along with VDA of Rs.4,016/-, totalling Rs.8,335/- per month, and restricted the same to Rs.8,000/- per month for the purpose of computation under the provisions of the Employees' Compensation Act, 1923. Taking the age and wages of the deceased into consideration, the Tribunal computed the compensation at Rs.5,42,240/- and, together with stamp duty of Rs.1,085/-, awarded a total compensation of Rs.5,43,325/-, which, in the considered opinion of this Court, is just, reasonable and does not warrant any interference.

13. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 28.07.2022 passed in E.C.No.04 of 2019 by the Commissioner for Employees Compensation and Assistant Commissioner of Labour, Guntur. There shall be no order as to costs.

Consequently, pending miscellaneous applications, if any, shall stand closed.

SMT JUSTICE V.SUJATHA

Dated: 23.04.2026
KGR