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SLP(C)No. 19702 OF 2000

ITEM No.46

Court No. 3

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.19702/2000

(From the judgement and order dated 03/12/1999 in MFA 3387/97
of The HIGH COURT OF KARNATAKA AT BANGALORE)

LAKSHMINARAYANA SHETTY

Petitioner (s)

VERSUS

SHANTHA & ANR.

Respondent (s)

(With prayer for interim relief and office report)

Date : 16/04/2001 This Petition was called on for hearing today.

CORAM :

0 HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Naresh Kaushik, Adv.
Mr. N.K. Roy, Adv.
Ms. Shila Chohan, Adv.
Ms. Lalita Kaushik, Adv.

For Respondent (s) Mr. R.S. Hegde, Adv.
Mr. P.P. Singh, Adv.

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

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Leave granted.
The appeal is allowed in terms of the signed order.

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Kalyani. (S.L. GOYAL) @@
AA
COURT MASTER@@
A AA

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of SLP(C) No.19702 of 2000)

Lakshminarayana Shetty Appellant

Versus

Shantha & Anr. Respondents

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Leave granted.
We have heard the counsel for the parties.

The respondents are the daughter and wife of the deceased-Ramu who was engaged by the appellant to paint the house. While he was doing this work, he unfortunately fell down and died. The claim for compensation under the Workmen Compensation Act was denied, but on a writ petition being filed the High Court has allowed the same claim.

No reasons have been given by the High Court for coming to the conclusion that this was a case which fell within the domain of the Workmen Compensation Act. There was apparently a contract between the appellant and Ramu whereby Ramu had undertaken the work of painting the house. Whether the action of the appellant by engaging a person in this manner makes him employee or a workman of the appellant was a question to be decided. The case did
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not fall within the four corners of the said Act and, therefore, the decision of the High Court was incorrect. We, therefore, allow the appeal and set aside the decision of the High Court.

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.....J
(B.N. KIRPAL)

.....J
(RUMA PAL)

New Delhi,
April 16, 2001.