
(1971) 08 AHC CK 0002
In the Allahabad High Court
Case No : F.A.F.O. No. 160 of 1970

Parwati Devi

APPELLANT

Vs

H.R. Sugar Factory (P) Ltd.

RESPONDENT

Date of Decision : 24-08-1971

Acts Referred:

Workmens Compensation Act, 1923 — Section 30

Citation : (1971) ACJ 451

Hon'ble Judges : K.B. Asthana, J

Bench : Single Bench

Advocate : R. Upadhyaya, for the Appellant; A.N. Verma, for the Respondent

Final Decision : Allowed

Judgement

K.B. Asthana, J.—This is an appeal u/s 30 of the Workmen's Compensation Act from an order rejecting the claim of the Appellant, Parwati Devi, who as the widow of Munna Lal, a carpenter employed in the Respondent Factory claimed compensation of Rs. 7000/- on account of the death of her husband, caused by an accident in the course of his employment.

2. It is not disputed that Munna Lal was employed as a permanent Carpenter in the workshop of the Respondent factory on a salary of Rs. 103/- per month. It is also not disputed that on 27-5-65, when he reported for duty at the factory, he was asked to proceed to the residence of the Chief Engineer of the factory for completing some work there and in pursuance of the said direction while he was on his way to the residence of the Chief Engineer, he slipped, fell down on the ground, vomitted blood, received some external injuries in the hands and knees, soon after became unconscious, vomitted blood again and expired. Parwati Devi, as the widow and sole dependent of the deceased, claimed a compensation of Rs. 7000/-. Her claim was contested by the Respondent factory, inter-alia, on the ground that the death was not caused due to any accidental injury received in the course of employment, but it was a natural death which the deceased workman met, he being a chronic patient of tuberculosis. The Compensation

Commissioner by his judgment dated 18-8-66, taking the view that the disease of tuberculosis was contracted by the workman in the course of his employment and being of the nature of an occupational disease held that his widow was entitled to compensation, even though the death may have been due to the disease itself resulting in the rupture of veins in the lungs. On appeal by the Factory, the High Court set aside the judgment and order of the Compensation Commissioner for the reason that the Compensation Commissioner had awarded the compensation on a ground which was never pleaded and at which the parties were not at issue. The High Court also observed that it was difficult to hold that tuberculosis could be said to be an occupational disease in the case of the deceased workman, who was working merely as a carpenter in the Factory. The case was remanded to the Compensation Commissioner for re-hearing on the other issues, arising on the pleadings of the parties.

3. On remand, the Compensation Commissioner heard the arguments of the learned Counsel for the parties, assessed the evidence on record and came to the conclusion that since the deceased workman met a natural death on account of ravages of severe tuberculosis, his widow was not entitled to any compensation. The result was that the application of Parwali Devi was rejected. The appeal is directed against this judgment and decree of the Compensation Commissioner.

4. The learned Counsel for the Appellant contended that a substantial question of law arose inasmuch as on the facts established on the evidence on record the injury resulting in the death of the workman was the result of accident met by him in the course of employment and the Compensation Commissioner misdirected himself by making a wrong approach to the principles of law applicable in coming to a contrary conclusion. I am inclined to accept this contention of the learned Counsel for the Appellant. I do not agree with the submission of the learned Counsel for the Respondent, which was to the effect that the medical evidence on record proved that the death was natural as haemorrhage of the lungs in the case of a tubercular person can take place without any external cause or injury, therefore, the accidental fall could not be said to be the direct cause of the death of the workman. In my judgment, the mere fact that the deceased workman was a chronic sufferer from tuberculosis of lungs and the physical phenomena of the rupture of the lungs could occur without any external cause will not absolve the Respondent factory from the liability to compensate the dependent of the workman if the haemorrhage of the veins could also be caused by the accidental fall. The two doctors produced on behalf of the Respondent factory have not said that the rupture of the veins in the lungs cannot physically be caused by the severe shock or blow caused by external forces. It is common experience that the blood vessels rupture when a person receives a severe blow on his body or collides with force with some external obstacle. A fall to the ground in an unbalanced state is nothing but a collision of the body with the hard ground. It may cause, in some cases, a rupture of the veins and in some other cases it may not and be due to physical weakness of the system but that circumstance to my mind is not relevant in an

inquiry for the purposes of finding out whether the injury resulting in death could be attributable to the fall.

5. It has been proved by medical evidence that the death was due to severe haemorrhage, on account of rupture, of the veins of the lungs. It has been established by evidence that the workman vomitted blood immediately after the accidental fall on his way to the house of the Chief Engineer. The only conclusion in such circumstances which could be reached would be that the shock received by the fall led to the rupture of veins in the lungs, resulting in severe haemorrhage and death. I have no doubt in my mind that on the facts as established on the record the accidental fall was the cause of the death as there was a causal connection between the accidental fall and the haemorrhage due to the rupture of the veins of the lungs. The Compensation Commissioner found that the accidental fall was in the course of the performance of his duties by the workman. I, therefore, in agreement with the contention of the learned Counsel for the Appellant hold that Munna Lal, husband of the Appellant, met his death due to the accidental fall in the course of his employment in the Respondent factory and his widow, the Appellant, is entitled to the compensation claimed.

6. There is no dispute as regards the amount of compensation claimed, which is in accordance with the provisions of the Act and the Schedule.

7. The result is that this appeal is allowed, the decree of the compensation Commissioner is reversed and the claim for the recovery of Rs. 7000/-, as compensation from the Respondent factory, stands decreed with costs.