

(c) In *Superintending Engineer, Pambikulam Ahar Project, Pollachi v. Andamnal* [1983 (2) LLJ. 326], it was held that but for the employment of the deceased, he would not have been at the place where the accident happened and caused and proximate connection between the accident and employment is also established.

(d) In *Senior Divisional Personnel Officer, Southern Railway, Trichy v. Kanagambal* [1995 (2) LLJ. 231], the Madhya Pradesh High Court judgement in *Smt. Satiya v. Sub-Divisional Officer, P.W.D.* [1975 (1) LLJ. 394] was referred to wherein it was held that murder is an accident from the point of view of the person who suffered from it and it is an untoward event as defined in Sec. 3 (1) of the Act. Therefore, sustaining injury while on duty and meeting his death subsequently has to be necessarily considered as an accident arising out of and in the course of employment.

(e) In *Madhya Pradesh State Road Transport Corporation and another v. Mst. Basantibai and others* [1971 (2) LLJ. 273] it was held that if an employer requires his employee to come to the place of employment in early hours of the morning, it is reasonably foreseeable that the employee is likely to suffer injury at the hands of some ruffian while on the way to join his work unless adequate arrangements are made by the employer for the safety of the employee. *Lord Atkin's* judgement in *Donoghue v. Stevenson* [1932 (AC) 562] was referred to in the context.

(f) The Apex Court in two of its decisions has spelt out the true meaning of the word "accident" in the Workmen's Compensation Act.

(i) *Jyothi Ademma v. Plant Engineer, Nellore and another* [AIR, 2006 S.C. 2830 : 2006 (5) SCC. 513 : 2006 (3) LLJ. 324] — The expression "Accident" means an untoward mishap which is not expected or designed. "Injury" means physiological injury.

(ii) In *Shakuntala Chandrakant Shreshth v. Prabhakar Maruti Garwali and another* [2007 (1) LLJ. 474 (S.C.)], it was held that injury suffered should be a physiological injury. Accident, ordinarily, would have to be understood as unforeseen or uncomprehended or could not be foreseen or comprehended.

— In the light of the above decisions and also since none of the exclusionary clauses as found in the explanation to para 17 of the Scheme apply to the case of the deceased person, the writ petition was allowed and the widow of the auto driver is entitled to compensation payable by the insurance company. [*Maheswari v. Secretary, Tamil Nadu Manual Labour Social Security and Welfare Board, Chennai and others* — 2007 (2) LLJ. 963 (Madras H.C.)].

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