



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-07-2026**

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**Civil Miscellaneous Appeal No.434 of 2022**  
**and CMP No.3062 of 2022**

Manager  
Shriram General Insurance Company Ltd.,  
Plot No.5, 1<sup>st</sup> Street,  
Ramachandran Street,  
Saravana Nagar, Seevaram,  
Perugudi, Chennai – 600 096.

..Appellant

Vs

1. Anjammal  
W/o.Ravi
2. S.Ramu  
S/o.Subramani
3. P.Prabakaran  
S/o.Palani

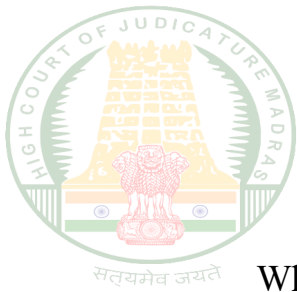
..Respondents

Civil Miscellaneous Appeal filed under Section 30 of the Employees' Compensation Act, 1923, against the order dated 25.10.2021 made in E.C.Case No.101 of 2017 on the file of Court of Commissioner for Workmen's Compensation (Joint Commissioner of Labour-1) Chennai-6.

For Appellant : Mr.S.Dhakshnamoorthy

For Respondents : Mr.Ma.Pa.Thangavel [R1]

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## ORDER

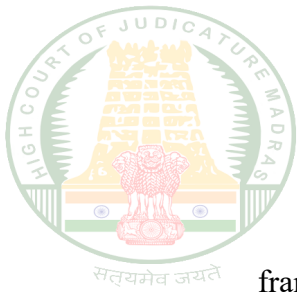
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When this appeal came up for hearing on 21.07.2026, this Court heard the learned counsel appearing on either side in extenso and passed the following order:

This appeal has been filed by the appellant insurance company against the order passed by the Commissioner of Workmen's Compensation (Joint Commissioner of Labour-1), Chennai, in E.C.Case No.101 of 2017 dated 25.10.2021.

2. The first respondent is the claimant in this case. The case of the claimant is that her son Balamurugan was working as a helper with the second respondent and the second respondent has a tractor with mounted harvester, which is used for harvesting crops. On 23.03.2017, the deceased travelled in this vehicle in his capacity as a cleaner and at about 1.00 p.m., to facilitate smooth travelling of the vehicle, the deceased is said to have lifted a wire as a result of which he was electrocuted and he was grievously injured and succumbed to the injuries. A First Information Report came to be registered in Crime No.69/2017. It is under these circumstances, the claimant has filed the claim petition under the Employees' Compensation Act, 1923.

3. The Joint Commissioner of Labour, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the deceased was employed by the second respondent and there was an employer-employee relationship and the deceased died in the course of employment. The authority also rendered a finding that the liability is covered under the policy issued by the appellant insurance company. Having rendered the said finding, the authority determined the total compensation at Rs.8,73,880/- which was directed to be paid along with interest at 12% p.a. Aggrieved by the same, the present appeal has been filed by the insurance company questioning their liability under the policy.



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4. When this appeal came up for hearing on 03.07.2026, this Court framed the following substantial questions of law:

(a) Whether any person travelling in the vehicle per se can be treated as an employee in the absence of any evidence to corroborate the employment under the Employees' Compensation Act?

(b) Whether the deceased, even if treated an 'Employee', mandatorily covered under Insurance Policy as per Section 147 of the Motor Vehicles Act?

(c) Whether the Learned Commissioner can go beyond the coverage statutorily provided by the Certificate of Insurance as envisaged under Section 147 of the Motor Vehicles Act?

5. The main ground urged by learned counsel for appellant is that the liability of the insurance company will arise either under the policy, which, in other words is called as the contractual liability or the liability has to be traced to Section 147 of the Motor Vehicles Act, 1988 [for brevity 'the Act'] which is commonly termed as the statutory liability. Learned counsel submitted that the insurance policy was marked as Ex.P5. This insurance policy only provided for a personal accident cover for the owner/driver and nothing more. Therefore, under the policy, there was no contractual liability for the appellant insurance company to pay compensation.

6. Insofar as statutory liability is concerned, learned counsel submitted that the statutory liability has to fulfil the requirements under Section 147 of the Act. It is submitted that proviso to Section 147(1) of the Act covers the risk of certain categories of employees of the insured stated therein. The insurance company is not under the statutory obligation to cover all kinds of employees of the insured except those category of employees specifically mentioned under Section 147 of the Act. Learned counsel submitted that at the best, the liability of the insurance company can be brought under sub-clause (c) of Section 147 of the Act and to make such a claim, the vehicle in question must come within the definition of a goods carriage. Learned counsel



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submitted that there is no proof to establish that the deceased was an employee under the second respondent. On a demurrer, even if it is taken that the deceased was working as a cleaner and therefore, the wider definition provided under the Employees' Compensation Act covers the deceased, the claimant has not satisfied the definition of a goods carriage in order to fix the liability on the insurance company.

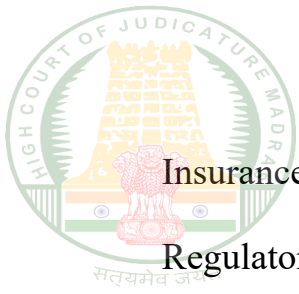
7. To substantiate this submission, learned counsel relied upon the definition provided under Section 2(14) of the Act. Learned counsel also relied upon the definition of the term 'goods' under Section 2(13) of the Act.

8. It is contended that if the vehicle in question does not satisfy the requirement of a goods carriage, sub-clause (c) of Section 147 of the Act will not come into operation and consequently, the deceased cannot be construed as a category of employee covered under the proviso to Section 147(1) of the Act. In the case in hand, the question now hinges on the above issue raised by learned counsel for appellant.

9. Learned counsel for claimants seeks some time to work out the proposition of law and make his submissions before the Court.

Post this appeal under the caption 'for orders' on 23.07.2026.

2. When the matter was taken up for hearing today, the learned counsel for the 1<sup>st</sup> respondent submitted that the entire policy was not marked by the Insurance Company in order to ascertain if any cover is given to a victim who travels in such a vehicle in order to aid the driver of the vehicle to safely take that vehicle to the agricultural fields. The learned counsel submitted that such accidents are taking place on a regular basis in villages and the poor victims are left high and dry just because there is no clarity in the policy issued by the



Insurance Company. In view of the same, it is contended that Insurance Regulatory and Development Authority of India (IRDAI) must be included as a party in this appeal and they must be directed to issue necessary standardised guidelines in order to cover the victims who either suffer injuries or die due to accidents arising out of this type of vehicle that is attached to a tractor.

3.It is quite clear that the vehicle in question does not satisfy the requirement of a goods carrier under sub-clause (c) of Section 147(1) of the Motor Vehicles Act. In view of the same, no statutory liability arises for the Insurance Company to pay the compensation to the victims.

4.All those judgments that were brought to the notice of this Court dealt with cases of a trailer attached to a tractor and used for carrying goods along with employees/coolies/loadmen travelling along with the goods. Those types of cases operate in a different field and there is certainty in the law that has evolved over a period of time in those cases.

5.In the case in hand, this Court is encountering a new dimension where the tractor is attached with a mounted harvester. By no stretch, the mounted harvester will come within the definition of a 'Trailer'. If there is a practice of persons travelling in the mounted harvester in order to assist the driver to take the vehicle safely to the agricultural fields and accidents take place in that



process, necessarily some clarification has to be given by the IRDAI. We are dealing with the poor agriculturalists who will be the victims in these cases.

This Court has to take judicial notice of the fact that the tractor with a mounted harvester cannot be operated independently because of its height and someone has to travel along with the vehicle to assist the driver of the vehicle to take the vehicle to the agricultural field for doing the harvest. If such person who is assisting encounters an accident, in the present policy that is available, no relief can be claimed from the Insurance Company. This issue has to be necessarily addressed by the IRDAI to bring even such vehicles within the scope of a tractor and trailer. So that the Policy will specifically cover the mounted harvester also and it can be brought within the definition of a 'Goods Carrier'. This Court therefore expects the IRDAI to act upon this order and bring some clarity by standardising the claims made in cases of a tractor with a mounted harvester. A copy of this order shall also be marked to the IRDAI.

6.The learned counsel appearing on behalf of the appellant Insurance Company submitted that he is also the Standing Counsel for IRDAI and he will take instructions to see if the category of persons covered in these cases will fall under the various clauses of Indian Motor Tariff (IMT).

7.In the result, the order passed by the Joint Commissioner of Labour directing the Insurance Company to pay the compensation to the 1<sup>st</sup> respondent



cannot be sustained and accordingly, EC Case No.101 of 2017, dated 25.10.2021, is hereby set aside. If at all the 1<sup>st</sup> respondent wants to make any claim, it can only be recovered from the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

8.This Civil Miscellaneous Appeal is allowed in the above terms. The appellant Insurance Company shall be permitted to withdraw the amount deposited along with accrued interest. No Costs. Consequently, connected miscellaneous petition is closed.

9.Post this case under the caption 'For Reporting Compliance' on 14.08.2026.

**23-07-2026**

Index:Yes/No  
Speaking/Non-speaking order  
Internet:Yes  
Neutral Citation:Yes/No  
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**Note: Issue Order Copy on 24.07.2026**



**N.ANAND VENKATESH, J.**

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To

1.The Court of Commissioner for Workmen's Compensation (Joint  
Commissioner of Labour-1) Chennai-6.

2.Insurance Regulatory and Development Authority of India,  
Survey No.115/1,  
Financial District Nanakrangudam  
Hyderabad – 500 032

**Civil Miscellaneous Appeal No.434 of 2022**

**23-07-2026**