



C.M.A(MD)No.697 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.07.2026

Pronounced on : 07.08.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.697 of 2009

The Branch Manager,
United Inida Insurance Company Ltd.,
200, Otty Main Road,
Mettupalayam 624 301.

: Appellant

Vs.

1.M.Muthupandiammal

2.M.Pandiselvi

3.R.Muniyasamy

: Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 30 of Workmen's Compensation Act 1923, against the order, dated 19.01.2005 made in W.C.No.293 of 2004, on the file of the Deputy Commissioner, Workmen's Compensation, Dindigul.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance, for R1 and R2.

: R3 dismissed as abated vide
Court order, dated 11.09.2025.



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J U D G M E N T

The Civil Miscellaneous Appeal is directed against the order, dated 19.01.2005 made in W.C.No.293 of 2004, on the file of the Deputy Commissioner, Workmen's Compensation, Dindigul.

2. The appellant/Insurer, who was mulcted with liability to pay compensation of Rs.3,94,495/- with interest and costs to the respondents 1 and 2/claimants for the death of one Karuppiah, consequent to an occurred on 10.03.2004, challenged the liability mulcted on it.

3. For the sake of convenience and brevity, the parties will hereinafter be referred as per their status/ranking before the trial Court.

4.The case of the claimants is that on 10.03.2014, while the deceased, Karuppiah, was travelling as a loadman in the lorry bearing Registration No. TN-37-P-5166, owned by the first respondent, carrying cotton bales from Andhra Pradesh to Chennai, the driver of the lorry, on reaching a place



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near Gummidipoondi, drove the vehicle in a rash and negligent manner and applied sudden brake, as a result of which, the said Karuppiyah was thrown out of the lorry and sustained head injury and injuries all the parts of body and despite treatment, he succumbed to the injuries on 14.03.2024, that the accident arose out of and in the course of the employment of the deceased under the first respondent and that since the lorry belonging to the first respondent was insured with the second respondent, the claimants were constrained to file the claim petition seeking compensation against the respondents.

5. The defence of the second respondent/insurer is that the manner of the accident, as alleged by the claimants, is false and untenable; that no accident had occurred on 10.03.2014 involving the lorry bearing Registration No. TN-37-P-5166 occurred near Gummidipoondi; that FIR came to be registered in Anna Nagar Police Station, Madurai for the accident occurred near Gummidipoondi; that the deceased never worked as a load man under the first respondent; that there existed no relationship of employer and employee between the first respondent and the deceased and that therefore, the claim petition is liable to be dismissed.



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6.The learned Commissioner, considering the evidence available on record, has come to the conclusion that during the course of employment as load man in the lorry bearing Reg.No.TN-37-P-5166 under the first respondent, the said Karuppiah had died due to the injuries sustained in the accident occurred on 10.03.2014 and that since the lorry was owned by the first respondent and the same was insured with the second respondent, directed the second respondent to pay compensation of Rs.3,94,495/- with interest.

7. The learned counsel for the appellant would mainly contend that there was no relationship of employer and employee between the first respondent and the deceased; that FIR was registered belatedly and that too before the Anna Nagar Police Madurai for the accident occurred near Gummidipoondi; that the case projected by the claimants is false and untenable; that the claimants have failed to prove that the accident had taken place while the deceased was employed in the first respondent's lorry; that the claimants have not even chosen to prove the accident itself and that the Tribunal, without considering the evidence in proper perspective, has erroneously mulcted the liability on the insurer.



9. It is further evident that the respondents 1 and 2/claimants had initially entered appearance through their counsel. But subsequently, the said counsel reported no instructions and hence, this Court directed the Registry to issue notice to the respondents 1 and 2/claimants .

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12. Moreover, respondents 1 and 2/claimants are also not before this Court, as the appellant has not taken effective steps to serve notice on them after their learned counsel reported 'no instructions'.

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belonging to the first respondent and his subsequent death due to the injuries sustained in the said accident.

14. It is pertinent to note that the third respondent/1st respondent, the owner of the vehicle had remained ex-parte before the Commissioner. The second respondent/insurer has not chosen to examine any other witness, who had allegedly witnessed the accident or to adduce any other evidence to rebut the evidence of the claimants regarding employer-employee relationship between the first respondent and the deceased.

15. Considering the evidence available on record, the Commissioner has rightly mulcted the liability on the second respondent/insurer and the same cannot be found fault with. Though the appellant, in their appeal memorandum has raised certain grounds touching the quantum of compensation, they have not challenged the same specifically before this Court. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed. Considering the other facts and circumstance of the case, the parties are directed to bear their own costs.



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16. In the result, the Civil Miscellaneous Appeal is dismissed and the order dated 19.01.2005 made in W.C.No.293 of 2004, on the file of the Deputy Commissioner, Workmen's Compensation, Dindigul, is confirmed. The claimants are permitted to withdraw the amount deposited by the appellant, on due application. Parties are directed to bear their own costs.

07.08.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Deputy Commissioner, Workmen's Compensation,
Dindigul.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
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