



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA (MD) No.636 of 2016
and
CMP (MD) No.6818 of 2016

The Manager,
M/s. United India Insurance Co. Ltd,
No.54, Palani Road, New Agraharam,
Dindigul Town.

... Appellant

Vs.

1.Vincent

2.The Administrator
Top Anil Marketing Company,
N.Pitchaimohideen Chandu,
Periyakadai Street, Dindigul Town.

... Respondents

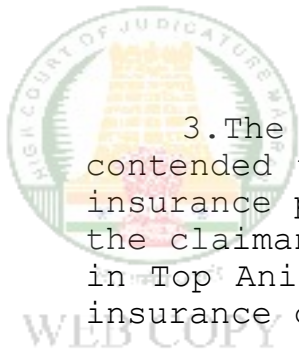
Prayer: Civil Miscellaneous Appeal is filed under Section 30 of the Workmen's Compensation Act, 1923 to set aside the order dated 20.04.2016 passed in W.C.No.89 of 2012 on the file of the Deputy Commissioner for Workmen's Compensation, Dindigul.

For Appellant	: Mr.C.Jawahar Ravindran
For Respondents	: Mr.K.Ashok Kumar Ram for R1 Mr.C.Sankar Ganesh for R2

JUDGMENT

One Vincent was working as a Driver in Top Anil Marketing Company, Dindigul. An accident took place on 04.04.2012 within the premises of the said firm. The said Vincent was injured in the accident caused by the use of the motor vehicle, namely, a Load Van bearing Registration No.TN 57 K 9604.

2.It is not in dispute that the said loan van is insured with the appellant insurer. As per the averments in the claim petition, the claimant is employed as a driver in the insured vehicle itself. During the course of his employment, he met with an accident in question on 04.04.2012 and suffered grievous injuries. He therefore filed WC.No.89 of 2012 on the file of the Deputy Commissioner for Workmen's Compensation, Dindigul. The authority under the Workmen's Compensation Act passed an award for a sum of Rs.2,61,351/- and directed it to be paid by the appellant herein. This award is under challenge in this appeal.



3.The learned counsel appearing for the appellant insurer contended that the insured vehicle belongs to one Rooparani and the insurance policy stands in her name. His primary contention is that the claimant workman was employed not under the said Rooparani, but, in Top Anil Marketing Company. He would therefore submit that the insurance coverage cannot extend in this case.

4.It is true that the vehicle belongs to the said Rooparani and that the insurance policy is also in her name. But the management marked Ex.R2, namely, the Partnership deed. As per the said partnership deed, Top Anil Marketing Company is a firm comprising four partners namely, Nagarajan, Kamalahasan, Suhumaran and Rooparani. Therefore, the benefit of the insurance policy will certainly extend in the present case also.

5.The specific case of the claimant is that he was working as a driver in the insured vehicle. The accident had occurred on account of the use of the vehicle and in the course of the claimant's employment. The Deputy Commissioner for Workmen's Compensation, Dindigul therefore rightly entertained the claim petition and awarded compensation. The substantial questions of law raised in this appeal are answered against the appellant.

6.The appellant insurance company is directed to deposit the entire compensation of Rs.2,61,351/- with interest at the rate of 12% after 30 days from the date of accident till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimant is entitled to withdraw the same, by filing proper application before the Deputy Commissioner for Workmen Compensation.

7.This appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Deputy Commissioner for
Workmen's Compensation, Dindigul.

2.The Record Keeper, V.R.Section, **(2 Copies)**

Madurai Bench of Madras High Court, Madurai.

+1CC TO M/S.K.ASOK KUMAR RAM, ADVOCATE, SR NO.91411

+1CC TO M/S.C.JAWAHAR RAVINEDRAN, ADVOCATE, SR NO.91870

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