



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2018

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).No.353 of 2013

The Branch Manager,
M/s. The Oriental Insurance Company Ltd.,
Old No.119, New No.145, Sekkalai Road,
1st Floor, Sathiyamoorthy Illam,
Karaikudi - 630 001.

... Appellant

Vs.

1.Vanitha
2.Minor V.Maruthupandi
(Rep. by his mother/natural guardian,
the first respondent herein)

3.Seethai
4.Natarajan

... Respondents

PRAYER:- Appeal filed under Section 30 of the Workmen's Compensation Act, against the award made in W.C.No.70 of 2009 dated 29.11.2012 on the file of the Commissioner for Workmen's Compensation, (Deputy Commissioner of Labour), Madurai.

For Appellant : Mr.K.Bhaskaran
For Respondents : Mr.N.V.Suresh Kumar for R.1 to R.4
Mr.V.Kannan for R.5

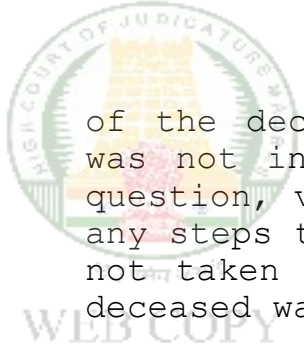
JUDGMENT

This civil miscellaneous appeal has been filed challenging the award passed by the Commissioner for Workmen's Compensation (Deputy Commissioner of Labour), Madurai, in W.C.No.70 of 2009 dated 29.11.2012.

2. Heard the learned Counsel appearing on either side and perused the records carefully.

3. It is a case of fatal and the tribunal has awarded Rs.4,29,640/-. Though several grounds have been raised the memorandum of grounds, the appellant/insurance company emphasized on a single point that the driver of the vehicle/the deceased was not in possession of a valid driving licence at the time of accident and therefore, they are not liable to pay compensation.

<https://hcservices.ecourts.gov.in/hcservices/>
4. Admittedly, the vehicle involved in the accident is a Tractor and the claimants have produced Ex.A8-driving licence copy



of the deceased. Though the appellant contended that the deceased was not in possession of a valid licence to drive the vehicle in question, viz., Tractor, it is seen that the appellant has not taken any steps to prove the same by adducing evidences, i.e., Insurer has not taken any steps to summon records from RTO to prove that the deceased was not in possession of a valid driving licence.

5. In the absence of any such evidences/documents to that effect, other than oral submissions, the tribunal, relying upon the judgment of this Court reported in 2011 (2) TN MAC 741, in the case of *Divisional Manager, National Insurance Company Ltd., Coimbatore v. Chinnammal and another*, has negatived the contention of the appellant and has rightly fixed the compensation, which, in my considered opinion, does not suffers from any illegality or infirmity.

6. Since the sole ground, on which the appellant moved this appeal, lacks merit, this civil miscellaneous appeal is liable to be dismissed and the same is accordingly dismissed. No costs.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To
The Commissioner for Workmen's Compensation,
(Deputy Commissioner of Labour),
Madurai.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1cc to Mr.N.V.Suresh Kumar, Advocate, SR.No.59765

+1cc to Mr.K.Bhaskaran, Advocate, SR.No. 59624

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04.04.2018

gk
KK/SV MMS/18.04.2018/SAR-4/2P-6C