

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

1. Ponni
2. Ramamurthi ...Petitioners
vs.

Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923 against the order dated 10.12.2009 received on 3.4.2010 made in W.C.No.292 of 2006 on the file of the Commissioner, Workmen's Compensation (Deputy commissioner of Labour-I, Chennai-6) in exonerating the 2nd respondent/Insurance Company from paying compensation to the appellants/claimants.

JUDGMENT

2. Admittedly, the fact that the deceased, who was in employment, died in an accident, while in service is not disputed. The deceased was permitted to drive the vehicle as a commercial vehicle driver to which, he is possessing a badge and he cannot drive the heavy vehicle and while driving the heavy vehicle, the deceased met with an accident and died.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The contention that there shall be a pay and recovery and that the Insurance Company shall pay and recover the money from the owner of the vehicle, cannot be accepted, as it would amount to putting a premium for the illegal act and this Court would be encouraging driving of a vehicle, which is not permissible to be driven by any person.

5. As in this case, the deceased, who ought not to have driven the heavy vehicle, met with an accident and died and that assuming for the sake of argument that he possess a valid licence to drive the heavy vehicle, the policy covers only for an injury/accident/death, in case of driving the commercial vehicle and not a heavy vehicle.

6. Thus I find the order of the authority is perfectly in order and cannot be interfered with. Therefore, this Civil Miscellaneous Appeal is dismissed. No costs.

(msr)

Sd/-
Assistant Registrar

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Sub Assistant Registrar

To :

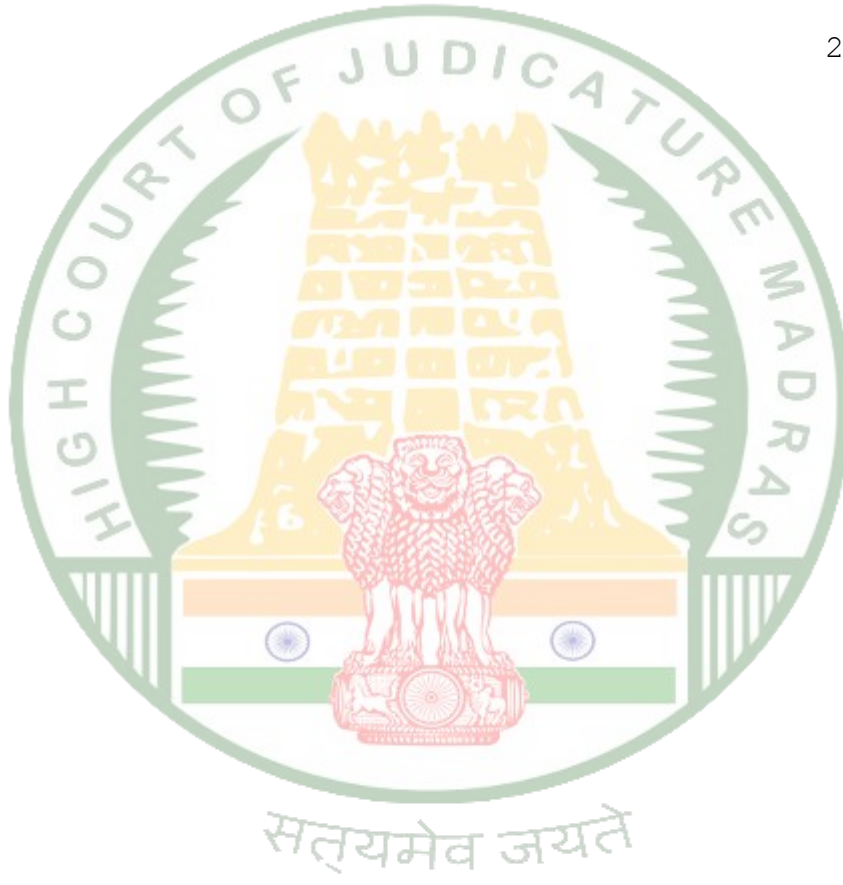
The Commissioner,
Workmen's Compensation
(Deputy commissioner of Labour-I, Chennai-6)
+lcc to Mr.J.Michael Visuvasan, Advocate SR.No.6930
+lcc to M/s N.S.Sivakumar, Advocate SR.No.7162

CMA.No.629 of 2011

BP(CO)
mst(26/05/2020)

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