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C.M.A.No.1920 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A. No.1920 of 2020 and
C.M.P. No.14187 of 2020

National Insurance Company Limited,
74-A, Paramathy Road,
Namakkal Post and District.

.. Appellant

Vs.

1.Poongodi

2.Meena

3.Minor Divya

4.Minor Nathiya

5.Chellammal

6.Chinnammal

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 29.01.2020 made in M.A.C.T.O.P. No.359 of 2016 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Perambalur.



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For Appellant : Ms.N.B.Sureka

For Respondents : Mr.T.I.Ramanathan for R1, R2 & R5
R3 & R4 - Minor rep. R1

JUDGMENT

This appeal has been filed by the Insurance Company, challenging the impugned award on the ground that the Tribunal has erroneously held that the appellant/Insurance Company is liable to pay the compensation to the claimants, despite the fact that the claimants have themselves admitted in their Claim Petition that the deceased, after getting down from the lorry, insured with the appellant, suffered from stomach pain and died subsequently.

2.As seen from the impugned award, the Tribunal has stated the aforementioned facts while discussing point Nos.1 and 2 and has erroneously directed the appellant/Insurance Company to pay the compensation despite the fact that the lorry, insured with the appellant/Insurance Company, was not responsible for the cause of death. Infact, the Tribunal, despite observing that the accident occurred during the course of employment, has entertained the Claim Petition filed by the



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claimants before the Motor Accidents Claims Tribunal, which entertains the Claim Petitions pertaining to Motor Accidents Claims only and does not entertain Claim Petitions pertaining to accidents happening during the course of employment. By total non-application of mind the settled position of law, the Tribunal has entertained the Claim Petition and has awarded compensation to the claimants, payable by the appellant/ Insurance Company.

3.In view of the same, necessarily, the impugned award has to be set aside by this Court. Accordingly, this Appeal is allowed by setting aside the Award of the Tribunal passed in M.A.C.T.O.P. No.359 of 2016 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Perambalur. If at all the deceased had died during the course of his employment, the claimants ought to have approached the Commissioner, Workmen's Compensation and they ought not to have approached the Motor Accidents Claims Tribunal. No costs.

18.04.2024

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ABDUL QUDDHOSE, J.

vga

To

- 1.The Motor Accidents Claims Tribunal,
Principal District Court, Perambalur.
- 2.The Section Officer,
V.R. Section,
High Court, Madras.

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