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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 1019 of 2013

and

M.P(MD)No.1 of 2013

The Branch Manager,
United India Insurance Company Limited,
7A, West Veli Street,
Madurai.

... Appellant

Vs.

1. Neethi @ Pethanan

2. V.Mayandi

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the Order, dated 09.05.2006 passed in W.C.No.113 of 2005 on the file of the Deputy Commissioner of Labour, Dindigul.

For Appellant : M/s.G.Prabhu Rajadurai

For Respondents : No appearance

JUDGEMENT

The Insurance Company has preferred this Civil Miscellaneous Appeal against the Order, dated 09.05.2006 passed in W.C.No.113 of 2005 on the file of the Deputy Commissioner of Labour, Dindigul.



2. It is a case of injury. The contention of the Insurance Company is that the owner of the vehicle had breached the policy conditions by allowing the vehicle to ply by the driver without having proper driving license. It is an admitted fact that the driver was having only LLR. Moreover, there is no trained driver along with him. In such circumstances, there is clear violations of policy conditions. It is a settled preposition of law that when there is no licence Pay and Recovery order ought to be order.

3. Accordingly, this Civil Miscellaneous Appeal is allowed directing the Insurance Company to pay the compensation granted by the Tribunal and the same shall be recovered from the owner of the vehicle. No Costs. Consequently, connected miscellaneous petition is closed.

12.04.2024

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

1. The Deputy Commissioner of Labour,
Dindigul.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.M.A(MD)No. 1019 of 2013

12.04.2024