



C.M.A Nos.1381 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1381 of 2022

United India Insurance Company Ltd.,
Divisional Office, No.146/AN, 2nd Floor
Kumar Complex, Anna Salai
Thiruchengodu.

... Appellant

Vs.

1.Sarasu
2.Periyasamy
3.Andavar Fast Drillers
Near Ayyappa Temple
Attibele, Anekal Taluk
Bangalore,
Karnataka State-562 107.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 30 of Employees Compensation Act, 1923, as against the Award dated 19.05.2021 passed in E.C No.345 of 2016, by the Commissioner of Employees Compensation, Coonoor.

For Appellant : Mr.D.Bhaskaran

For Respondents : Ms.J.Malar for R3
R1-Insufficient address
R2-No such address



C.M.A Nos.1381 of 2022

WEB COPY

JUDGMENT

The appellant/Insurance Company has filed this appeal against the Award dated 19.05.2021 passed in E.C No.345 of 2016, by the Commissioner of Employees Compensation, Coonoor.

2. The learned counsel for the appellant/Insurance Company submitted that at the time of accident, a lorry bearing Registration No.KA 51 ME 5900 belongs to the 3rd respondent was insured with them, but it was not involved in the said accident. The deceased along with another person were riding the two wheeler bearing Registration No.TN 88 Z 2136 and dashed against the offending Tipper lorry bearing Registration No.AP 27 Y 8808. Both the vehicles were not insured with the appellant/Insurance company. But, the learned Deputy Commissioner of Labour had failed to note that the insured vehicle bearing Registration No.KA 51 ME 5900 was not involved in the accident. In spite of that, a liability was fixed upon the appellant Insurance Company as if the employee of the 3rd respondent died.



C.M.A Nos.1381 of 2022

WEB COPY

3. The learned counsel for the appellant further pointed out that the Deputy Commissioner of Labour failed to note the fact that the deceased as well as the pillion rider had sustained injuries, while they were travelling in a motor-cycle. But, the owner of the said motorcycle as well as the Insurance Company and the offending lorry which involved in the accident namely AP 27 Y 8808 were also not added as parties to the proceedings, who were all involved in the said accident, without which the liability fixed upon the appellant/Insurance Company is illegal and the same is liable to be set aside.

4. Heard the learned counsel for the appellant and the learned counsel for the 3rd respondent and perused the materials available on record.

5. On considering the both side submissions, according to the claimants, the deceased and the injured were employed under the 3rd respondent, namely Andavar Fast Drillers and driven the Bore-well lorry bearing Registration No.KA 51 ME 5900 and on the date of accident, both were engaged in the bore-well work at Andhra Pradesh. According



C.M.A Nos.1381 of 2022

WEB COPY

to the injured, the Driver as well as the Assistant Driller were instructed to note down another bore-well point and therefore, they went there by a two wheeler and met with an accident. But, admittedly, at the time of the accident, they have not driven the lorry which was insured with the appellant herein, nor the accident was happened in the course of employment. Though both the deceased and the injured were employed under the 3rd respondent, the said accident was not happened while they had driven the vehicle which was insured with the appellant. Therefore, the objection raised by the appellant/insurance company is sustainable one. There is no reason as why to they have not taken any steps to claim compensation from the offending Tipper lorry as well as the two-wheeler which was driven by the deceased at the time of the accident. Therefore, the findings of the Labour Commissioner that the Bore-well lorry which was insured with the appellant/insurance company was involved in the accident is erroneous and the same needs interference by this Court. Therefore, the liability fixed upon the appellant/insurance company is liable to be set aside.

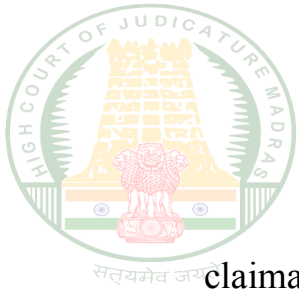


C.M.A Nos.1381 of 2022

WEB COPY

6. However, the fact reveals that both the deceased Periyasamy Subramaniam @ Subramaniam and the injured Veeramani were employed under the 3rd respondent, namely Andavar Fast Drillers and while they were engaged in the bore-well work at Andhra Pradesh, the deceased died. Even according to the 3rd respondent, he gave instructions to note down another bore-well point and on his instructions only, both the deceased and the injured went to the bore-well point through a two heeler. Therefore, as an employer, the 3rd respondent is liable to pay the compensation awarded by the Labour Commissioner.

7. Considering the fact that insured vehicle was involved, the 3rd respondent/owner is liable to pay the compensation awarded by the Labour Commissioner. Therefore, as on date, as per the records, the bore-well lorry bearing Registration No.KA 51 ME 5900 which belongs to the 3rd respondent, namely Andavar Fast Drillers is liable to be attached until the realization of the award amount. Hence, the vehicle belongs to the 3rd respondent is ordered to be attached. If he is sold the vehicle, any of the immovable property of the 3rd respondent is liable to be attached by way of filing an appropriate application before the Executing Court by the



C.M.A Nos.1381 of 2022

claimants.
WEB COPY

8. With the above direction, this Civil Miscellaneous Appeal is partly allowed. No costs.

19.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

(2/2)

uma

To

1. The Commissioner of Employees Compensation, Coonoor.

2. Andavar Fast Drillers
Near Ayyappa Temple
Attibele, Anekal Taluk
Bangalore,
Karnataka State-562 107.

3. The RTO Office
Attibele,
Bangalore.

4. The Section Officer, V.R. Section, High Court of Madras.



WEB COPY



C.M.A Nos.1381 of 2022

T.V.THAMILSELVI, J.

uma

C.M.A.No.1381 of 2022
2/2)

19.08.2025