



C.M.A No.1379 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1379 of 2022

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

... Appellant

Vs.

1.C.Veeramani
2.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.346 of 2016, by the Commissioner of Employees Compensation, Coonoor.

For Appellant : Mr.D.Bhaskaran

For Respondents : Mr.R.Nalliyappan
for Mr.B.Nanthakumar for R1
M/s.J.Malar for R2



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JUDGMENT

The appellant/Insurance Company has filed this appeal against the Award dated 19.05.2021 passed in E.C No.346 of 2016, by the Commissioner for 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 2nd respondent was insured with them, but it was not involved in the said accident. The injured 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 2nd respondent got injured.

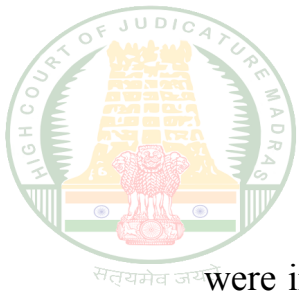


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3. The learned counsel for the appellant further pointed out that the Deputy Commissioner of Labour failed to note the fact that the deceased as well as the pillion rider had sustained injuries, while they were travelling in a motor-cycle. But, the 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. On the other hand, the learned counsel appearing for the first respondent/claimant contended that at the time of accident, the deceased Periyasamy Subramaniam @ Subramaniam and the injured Veeramani were employees under the 2nd respondent herein, in order to laying the bore-well. On the date of accident, they camped at Kottapalli Village, Prakasam District, Andhra Pradesh and engaged in digging the bore-well employed in the lorry bearing Registration No.KA 51 ME 5900 and the injured Veeramani was working as Assistant Driller and the deceased Periyasamy Subramaniam @ Subramaniam was working as driver; both



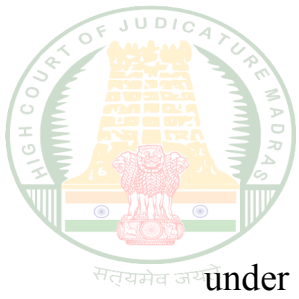
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were instructed to note down another bore-well point; so in the course of employment, they went to the bore-well spot in a two wheeler bearing Registration No.TN 88 Z 2136 and after completion of work, while they were returning in the said motorcycle, they dashed against the Tipper lorry nearing Registration No.AP 27 Y 8808 which was parked near the HB petrol bunk at National Highways, due to which the driver Periyasamy Subramaniam @ Subramaniam died and the Assistant Driller Veeramani sustained injuries. Since both were employed under the 2nd respondent herein and the said accident was happened in the course of the employment, and the vehicle which belongs to the 2nd respondent was insured with the appellant/Insurance Company, the learned Labour Commissioner considering all those aspects, had rightly awarded the compensation which does not need any interference by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

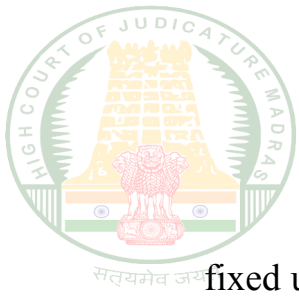
6. On considering the both side submissions, according to the 1st respondent/claimant/injured, the deceased and the injured were employed



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under the 2nd 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 to the 1st respondent/injured herein, 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 2nd 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 to why 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



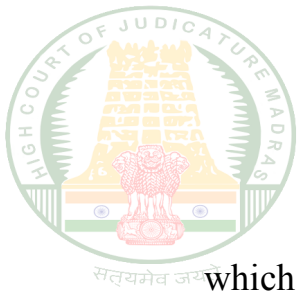
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fixed upon the appellant/insurance company is liable to be set aside.

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7. However, the fact reveals that both the deceased Periyasamy Subramaniam @ Subramaniam and the injured Veeramani were employed under the 2nd 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 2nd 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 wheeler. Therefore, as an employer, the 2nd respondent is liable to pay the compensation awarded by the Labour Commissioner.

8. The learned counsel for the 1st respondent/claimant submits that the accident is of the year 2014, by this time, the 2nd respondent did not own any property and so, the claimants would be put to much hardship to realise the award amount. Considering the fact that insured vehicle was involved, the 2nd 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



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which belongs to the 2nd respondent, namely Andavar Fast Drillers is liable to be attached until the realization of the award amount.

9. The learned counsel for the first respondent/claimant submitted that it is a case of injury. But, the Labour Commissioner has not awarded any interest towards medical expenses.

10. Accordingly, the first respondent/claimant is entitled to the medical expenses with interest at the rate of 12% per annum from the date of accident till the date of realization. The alleged vehicle belongs to the 2nd respondent is ordered to be attached. If he is sold the vehicle, any of the immovable property of the 2nd respondent is liable to be attached by way of filing an appropriate application before the Executing Court by the claimant.

11. 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
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T.V.THAMILSELVI, J.

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

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