



WEB COPY

CMA No. 1769 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1769 of 2024

AND

CMP NO. 13919 OF 2024

1. S.A.Kumar

S/o. Arunachala Nadar, D.No. 270,
Narasimhan Street, Shevapet, Salem 2

Appellant(s)

Vs

1. PRASANTH

S/o. Ravi, D.No. 215, Vandipettai,
Saminathapuram, Leigh Bazaar, Salem
Dist.

2.The Manager

United India Insurance Company Ltd.
Branch office No.77, Oriental Building,
A.A.Street, Salem Dist 636001

Respondent(s)

CMA No. 1769 of 2024

PRAYER

To set aside the judgment and Decree dated 16-12-2022 made in
MCOP.NO.1244/2020 on the file of the Motor Accident Claims Tribunal No.2,



Salem/Special Sub-Judge No.2, Salem

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For Appellant(s): K. Sathish Kumar

For Respondent(s): M/s. R.Rathna Thara For R2 R1
- No Appearance

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the judgment and Decree dated 16-12-2022 made in MCOP.NO.1244/2020 on the file of the Motor Accident Claims Tribunal No.2, Salem/Special Sub-Judge No.2, Salem, (tribunal).

2. The brief facts of the case:

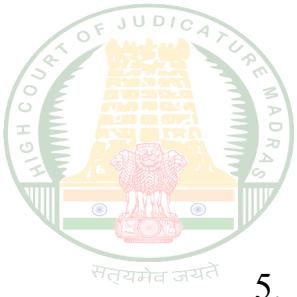
On 09.04.2020 at about 04.30 p.m., the driver of tractor working in the appellant's Mill suddenly took a reverse and dashed the first respondent, due to which, he sustained injuries on his legs and other parts. Thereafter, the first respondent filed the petition before the tribunal claiming compensation. The appellant herein and the second respondent herein contested the case by filing counter. On considering the oral and documentary evidence, the tribunal



awarded a compensation of Rs.2,46,489/-. Challenging the liability fixed on the appellant, the appellant filed this appeal.

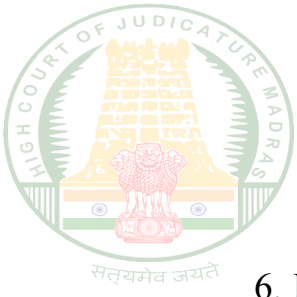
3. The learned counsel for the appellant/owner of the vehicle submits that the tribunal fixed has liability on the appellant by holding that the accident was not happened in the public place, thereby, the insurance company is not liable to pay compensation as such is illegal and liable to be set aside since because the accident was happened in the Mill premises and the same was narrated in the FIR as well as by other eye witness, but the tribunal has erroneously held that insurance company is liable to pay compensation.

4. By way of reply, the learned counsel for the second respondent/insurance company submitted that on considering the evidences on records the tribunal has rightly held that occurrence was taken place inside the Mill premises, which was not covered under the policy. Thereby, tribunal rightly fixed liability on the appellant. Further, he submits that third party is not covered under the insurance policy.



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5. On seeing the entire facts of the case, it reveals that accident was happened while unloading the goods from the tractor, which is inside the Mill premises. But the learned counsel for the insurance company submits that load man is not covered under the policy, thus the insurance company is not liable to pay compensation. Further, on seeing the fact that the accident was happened inside the Mill premises and Tractor with tailor dashed against the claimant while unloading the doll box, it is clear that the accident was caused due to the negligence of the driver of the tractor. At the time of the accident, the vehicle was insured with the second respondent herein/Insurance company. Hence, the Insurance company/second respondent is liable to pay the compensation and the second respondent is permitted to recover the same from the appellant herein. This Court is not inclined to interfere with the quantum of compensation awarded by the tribunal. However, as discussed above, the second respondent insurance company is liable to pay the compensation and recover the same from the appellant herein.



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6. In the result, this Civil Miscellaneous Appeal is disposed of. No Costs.

Consequently, pending petition(s), if any, is/are closed.

23-06-2025

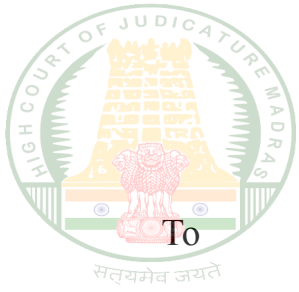
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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1. PRASANTH
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Saminathapuram, Leigh Bazaar, Salem
Dist.

2. The Manager
United India Insurance Company Ltd.
Branch office No.77, Oriental Building,
A.A.Street, Salem Dist 636001.
3. The section Officer, V.R Section,
High Court, Madras.
4. The Motor Accident Claims Tribunal
No.2, Salem/Special Sub-Judge No.2,
Salem



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T.V.THAMILSELVI J.
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