

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 13221/2021

(Arising out of impugned judgment and order dated 08-02-2021 in CMA No. 3005/2017 passed by the High Court of Judicature at Madras)

N.M. SENTHIL KUMAR

Petitioner(s)

VERSUS

THE DIVISIONAL MANAGER M/S NEW INDIA ASSURANCE
COMPANY LIMITED & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.83573/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.83574/2024-EXEMPTION FROM FILING O.T. and IA No.83572/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 15-04-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. G. Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.
Mr. C.adhikesavan, Adv.
Mr. P.v.harikrishnan, Adv.
Mr. Sunil Singh Rawat, Adv.
Mr. Kartik Sandal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. G. Sivabalamurugan, learned counsel appearing for the petitioner, who is the owner of the *Lorry* involved in the accident. The accident resulted in fatal injuries to one Kuppuswamy Kunnangalpudur, who was employed as a cleaner in the *Lorry*.

2. The widow of the deceased applied for compensation and under the order dated 07.08.2017, the Workmen's Compensation

Commissioner/Deputy Commissioner of Labour, Nilgiris quantified the compensation payable to the widow of the deceased and ordered M/s. New India Assurance Company Ltd. to pay the compensation. Further direction was issued to deposit the quantified sum.

3. The above order was challenged by the Insurance Company in appeal and under the impugned judgment dated 08.02.2021, the High Court set aside the Award and shifted the liability to pay the compensation on the *Lorry* owner.

4. The counsel for the petitioner would refer to the Policy (Annexure P/1) to point out that the policy also covered those persons employed for loading, unloading operations for the *Lorry*. He would then refer to the judgment in *Mangilal Vishnoi v. National Insurance Company Limited & Ors.* reported in (2022) 11 SCC 758 to argue that the insurance policy would cover the *Lorry* cleaner and in that event, the insurance company should be held liable to pay the compensation, to the claimant.

5. At this stage, we are concerned with whether the payable sum is remitted to the claimant in pursuant to the order passed on 07.08.2017. To receive instruction on this, Mr. G. Sivabalamurugan, learned counsel prays for time to obtain instructions.

6. List on 22.04.2024.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR