
(2010) 03 KAR CK 0033
In the Karnataka High Court
Case No : M.F.A. No. 8554 of 2004

Louis Martis

APPELLANT

Vs

Louis Korrea and Another

RESPONDENT

Date of Decision : 15-03-2010

Acts Referred:

Workmens Compensation Act, 1923 — Section 3 (1) (b), 3 (1) (b) (ii)

Citation : (2012) ACJ 1051 : (2010) 3 KCCR 2401 : (2011) 1 LLJ 342 : (2011) LLR 347

Hon'ble Judges : K. Sreedhar Rao, J;B. Manohar, J

Bench : Division Bench

Advocate : Krishna Moorthy D, for the Appellant; Parinitha S. Chanal, M.U. Poonacha and R. Pradeep Kumar, for the Respondent

Final Decision : Dismissed

Judgement

K. Sreedhar Rao, J.—Ms. Parinitha S Chanal undertakes to appear for Respondent No. 1.

2. The Appellant-Petitioner was the driver of the car which is involved in an accident on account of rash and negligent driving of the Petitioner. The police have charge-sheeted the Petitioner for causing the accident by rash and negligent driving. Apart from the inmates of the car, the Petitioner also sustained non-fatal injuries in the accident. Therefore, the Petitioner is seeking compensation against the owner and the Insurer of the vehicle.

3. The Tribunal has dismissed the petition filed by the Petitioner claimant on the ground that the Petitioner himself has driven the vehicle in a rash and negligent manner, hence he is not entitled for any compensation. When the workman suffers a non-fatal injury for his own negligence, no compensation need be payable under the Workmen's Compensation Act. Section 3(1)(b) and Clause (ii) of Section 3(1)(b) of the Act does not permit the workman to seek compensation if the injury is caused on account of his own negligence.

4. In that view of the matter, the appeal filed by the Petitioner is dismissed.