

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33049/2015 and M.P.No.1 of 2015

S.Dhandapani

..Petitioner

Versus

1.The Commissioner for Workman Compensation
Deputy Commissioner of Labour I
D.M.S.Compound, Chennai - 600 006.

2.Baby

3.K.Rani

4.K.Kuppusamy

5.The Oriental Insurance Company Ltd.,
No.1, Katpadi Road, I Floor,
Vellore - 632 004.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus directing the 1st respondent to dispose the applications filed by the petitioner under Section 5 of the Limitation Act and set-aside the exparte decree in W.C.No.356 of 2006 on 19.02.2013 in accordance with the law.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.V.Subbiah, Spl.GP

For R5 : Mr.S.Manoharan

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner suffered an ex-parte Award in WC.No.356/2006 on 20.08.2010, in and by which, he was directed to pay compensation of a sum of Rs.3,86,119/- with interest etc., to the respondents 2 to 4. The petitioner filed an application on 14.02.2013 to set aside the ex-parte Award and the counter affidavit was also filed. The grievance expressed by the petitioner is that the said application has not been numbered so far and taking advantage of the same, the respondents 2 to 4 are taking urgent steps to execute the Award and hence, he came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the 1st respondent and Mr.S.Manoharan, learned counsel who accepts notice on behalf of the 5th respondent.

4 This Court, considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to number the application filed by the petitioner dated 14.02.2013, if the papers are otherwise in order and after putting respondents 2 to 4 on notice, pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the respondents 2 to 4.

5 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP

To

1.The Commissioner for Workman Compensation
Deputy Commissioner of Labour I
D.M.S.Compound, Chennai - 600 006.

2.The Oriental Insurance Company Ltd.,
No.1, Katpadi Road, I Floor,
Vellore - 632 004.

+1 CC to MR.C.Prabakaran Advocate. SR.NO. 57167

+1 CC to Govt.Pleader. SR.NO. 57539

W.P.No.33049/2015

CO-SV

JD 24/11/2015