

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

C O R A M

THE HONOURABLE MRS. JUSTICE B.RAJENDRAN

C.M.A. No. 313 of 2006

The Regional Director
Employees State Insurance Corporation
143, Sterling Road, Chennai -34

... Appellant

Versus

M/s. Formix Industries
rep.by its Manager N.Venkatakrishnan
No.B-53, SIPCTO Industrial Estate
Gummidipoondi 601 201

.... Respondent

Appeal under Section 82 of E.S.I. Act, against the order dated 31.10.2005 passed in C.M.P.No.548 of 2005 in E.I.O.P.No..... of 2005 on the file of the Presiding Officer, Principal Labour Court, Chennai.

For Appellant : Mr. B.R.Ramesh Babu

For Respondent : Mr. Syed Jaffer Ahmed

JUDGMENT

The Employees State Insurance Corporation has come forward with this appeal as against the order dated 31.10.2005 passed by the Presiding Officer, Principal Labour Court, Chennai in C.M.P.No.548 of 2005.

2. Pending disposal of the Original Petition, the respondent herein filed a petition under Section 78 of the ESI Act 1948 read with 151 C.P.C. seeking stay of the operation of the order bearing No.TN/INS.VIII /51-83018-24 7611, dated 08.9.2005, for Rs.3,65,135 for the period 4/94 to 4/04 passed by the appellant/ ESIC under Section 45-A of the Employees State Insurance Act, 1948 and restraining the appellant/ ESIC from taking any action under any of the provisions of the Employees State Insurance Act, 1948.

3. After hearing both the parties, the Labour Court while waiving 30% of the amount, directed the respondent herein to

deposit 20% of the amount on or before 14.11.2005. Aggrieved over the said order, the Employees State Insurance Corporation has preferred the present Civil Miscellaneous Appeal.

4. Today, when the matter is taken up, learned counsel appearing for both sides brought to the notice of this Court that as per the direction of this Court, the trial Court has already commenced the process of recording of evidence and the evidence on the side of the respondent herein/plaintiff, is over and the evidence on the side of the appellant/insurance company is yet to be started.

5. The said submission is recorded.

6. Since the trial itself has been commenced, nothing survives in this appeal at this stage. Accordingly, the Civil Miscellaneous Appeal is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
Principal Labour Court,
Chennai.

C.M.A No. 313 of 2006

PPA(CO)
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