

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM:

THE HON'BLE **MR.JUSTICE K.K.SASIDHARAN**C.R.P.(PD) No.1670 of 2016
& C.M.P.No.8952 of 2012

M/s. United India Insurance Company Limited,
Motor Third Party Claims Hub,
Sillingi Building, IV Floor,
No.134 Greams Road, Chennai 600 006

... Petitioner

Versus

1. Tmt. Vijayalakshmi
2. Minor. Priya Dharshni
3. Minor. Sakthivel
(R-2 and R-3 are represented by their
next friend and natural guardian,
Tmt. Vijayalakshmi)
4. Tmt. Muniyammal
5. Thiru N.Murugan

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the final order, dated 16.02.2016 (received on 01.04.2016) passed in I.A.No.125 of 2015, in E.C.No.9 of 2016, by the Commissioner for Employees Compensation (learned Deputy Commissioner of Labour – II), Teynampet at Chennai.

For Petitioner : Mr. J.Michael Visuvasam
For Respondents : Mr. K.Varadha Kamaraj

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ORDER

The respondents filed a claim petition before the Commissioner for Workmen Compensation, Teynampet, Chennai, along with an application to condone the delay of 4099 days. The application was allowed by the Commissioner for Workmen Compensation. Feeling aggrieved, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The respondents filed the claim petition with an application to condone the delay. The learned trial Judge exercised the discretion and allowed the application.

4. The petitioner is more concerned about the liability to pay interest in case an award is passed.

5. While considering a matter like this, the Court should balance the equities. The respondents should be permitted to institute the proceedings for compensation. However, the Insurance Company should not be burdened with interest on account of the delay in

preferring the claim. I am therefore of the view that an equitable order should be passed in this matter.

6. The order passed by the Commissioner for Workmen Compensation, dated 16.02.2016 is upheld with an observation that the respondents would not be entitled for interest for a period of 4099 days in case award is passed in their favour.

7. The Civil Revision Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

16.11.2016

srk

To

1. Commissioner for Employees Compensation
(Deputy Commissioner of Labour – II),
Teynampet, Chennai.

K.K.SASIDHARAN, J.

srk

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