

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.No. 2051 of 2016AndC.M.P.No.10669 of 2016

M/s. The National Insurance Company Limited

No.751, Anna Salai

Chennai – 600 002.

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Petitioner/II Respondent/II Opp. Party

Versus

1. Thiru. Murali

2. Revathi

3. Thirumathi. Nagarathinam

4. Krishnaveni

...

I-IV Respondents/ I-IV Petitioners/
I-IV Applicants

5. Thiru. R.Arasu Mani

...

V Respondent/I Respondent/I Opp.
Party

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the final order dated 12.04.2016, (received on 11.05.2016) passed in I.A.No. 192 of 2015, in E.C.No. 110 of 2016, by the Commissioner for Employees Compensation (learned Deputy Commissioner of Labour – II), at Chennai.

For Petitioner : Mr. J.Michael Vishvasam

For Respondents : Mr.K.Varada Kamaraj

O R D E R

The respondents filed a claim petition before the Commissioner for Workmen Compensation, Chennai, along with an application to condone the delay of 3382 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 12.04.2016 is upheld with an observation that the respondents would not be entitled for interest for a period of 3382 days in case an 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.

23.09.2016

vsg

To

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

K.K.SASIDHARAN, J.

vsg

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