

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

The Hon'ble Mr.Justice K.K.Sasidharan

C.R.P.(PD)No.3455 of 2016

and

C.M.P.No.17598 of 2016

M/s. ICICI Lombard General
Insurance Company Limited,
No.140, Nungambakkam High Road,
Chottabai Centre, Chennai – 34.

...Petitioner

Vs.

1. Tmt.Ponnammal
2. Thiru Kuppan
3. Thiru M.Gopi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order, dated 08.08.2016, passed in I.A.No.154 of 2015, in E.C.No.62 of 2016, by the Commissioner for Employees Compensation (Learned Deputy Commissioner of Labour -I) Chennai.

For Petitioner	: Mr.J.Michael Visuvasam
For Respondents 1 & 2	: No appearance
For Respondent-3	: Mr.R.Vijayaraghavan

ORDER

The respondents filed a Claim Petition before the Commissioner for Workmen's Compensation, Chennai, along with an Application to condone the delay of 2216 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 third respondent.

3. The respondents filed the Claim Petition with an Application to condone the delay of 2216 days. 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's Compensation, dated 08.08.2016, is upheld with an observation that the respondents would not be entitled for interest for a period of 2216 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 Civil Miscellaneous Petition is closed.

25.11.2016

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Index : Yes/No

To

1. The Commissioner for Employees Compensation
(Learned Deputy Commissioner of Labour -I) Chennai.

K.K.Sasidharan,J.,

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