

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

C.M.A.No.551 of 2001

United India Insurance Co. Ltd.,
Dr.Nanjappa Road,
Coimbatore - 18.

.. Appellant/III Respondent

Vs

1.D.Vanaja

1st Respondent/Applicant

2.M/s.Kovai Auto Refilters,
6/156 B, P.N.Palayam Road,
Ganapathy, Coimbatore - 6.

II Respondent/Respondent

3.B.Gopinath

III Respondent/II Respondent

4.B.Durairaja

IV Respondent/IV Respondent

Prayer: Appeal filed under Section 30 of Workmen's Compensation Act, 1923 against the judgment and decree dated 27.11.2000 in W.C.No.155 of 1999 on the file of the Commissioner of Workmens Compensation, Deputy Commissioner of Labour, Coimbatore.

For appellant : Mr.N.Vijayaraghavan

For R1 : Mr.V.Nicholas

For R2 & R3 : Not ready

For R4 : No Appearance

JUDGMENT

This appeal is preferred by the Insurance Company against the judgment and decree dated 27.11.2000 made in W.C.No.155 of 1999 on the file of the Commissioner of Workmen's Compensation, Deputy Commissioner of Labour, Coimbatore, in and by which, the learned Deputy Commissioner had awarded a sum of Rs.2,17,910/- against the claim of Rs.5,00,000/-, for the loss of life of a breadwinner of the claimant's family.

2. It is seen that on 24.04.2001, while admitting the appeal, this Court granted an order of interim direction to withhold the payment of the award amount Rs.2,17,910/- deposited to the credit of

W.C.No.155 of 1999 on the file of the Commissioner of Workmen's Compensation, Deputy Commissioner of Labour, Coimbatore. It is also seen that though the Court notice was sent to the respondents 2 and 3 / company and owner of the vehicle respectively, the same was unserved with an endorsement "addressee left" Again, when the matter was taken up on 14.12.2009, interim direction already granted was made absolute and a fresh notice was also ordered to the respondents 2 and 3. However, the appellant Insurance Company till date has not taken any steps to serve notice on them.

3. Thus, this Court, on taking note of the fact that the claim petition was filed in the 1999 and that appeal filed in the year 2001 challenging the award amount of Rs.2,17,910/- for the loss of life of a breadwinner of the claimant's family is pending for more than 15 years, is inclined to dismiss the appeal as the appellant Insurance Company have not taken any steps to serve notice on the respondents 2 and 3 for this long years.

4. Accordingly, the Civil Miscellaneous Appeal fails and the same is dismissed. Consequently, interim direction already granted by this Court stands vacated. Since the appellant Insurance Company has already deposited the award amount of Rs.2,17,910/- into the credit of W.C.No.155 of 1999 on the file of the Commissioner of Workmen's Compensation, Deputy Commissioner of Labour, Coimbatore, the claimant is permitted to withdraw the same along with the accrued interest therein by moving appropriate application. No Costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rkm

To

1. The Commissioner of Workmen Compensation,
Deputy Commissioner of Labour, Coimbatore.

WEB COPY

+1 CC to Mr.M.B.Gopalan, Advocate SR.No.56040

+1 CC to M/S.V.Nicholas, Advocate SR.No.55821

CO-NRJK

ths : 22.10.2016

C.M.A. No.551 of 2001



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