



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.8790 of 2011

and

M.P. (MD) No.2 of 2011

and

W.M.P. (MD) No.14077 of 2016

1.L.Narpathasingh

2.Rathnasingh

...Petitioners

-vs-

1.The Presiding Officer

Labour Court

Tirunelveli

2.R.Kutralam

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the order passed in I.A.No.80 of 2010 in I.D.No.94 of 2005, dated 18.07.2011, on the file of the first respondent and quash the same and further directing the first respondent to entertain the application to set aside the *ex parte* award, dated 13.12.2009, passed in I.D.No.94 of 2005.

For Petitioners : Mr.M.P.Senthil

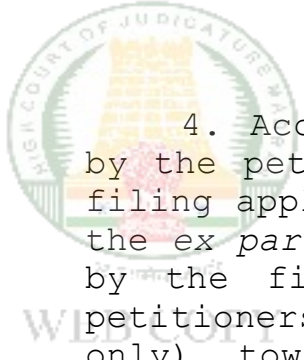
For Respondent : Mr.D.Saravanan for R2

O R D E R

The writ petitioners filed an application, in I.A.No.80 of 2010, before the first respondent, to condone the delay of 89 days caused in filing application to set aside the *ex parte* award, dated 13.12.2009, passed in I.D.No.94 of 2005. The second respondent filed counter affidavit stating that there is no sufficient reason for condoning the delay. The first respondent, by the impugned order, dated 18.07.2011, dismissed the delay condonation petition. Aggrieved by the same, the petitioners have filed this writ petition.

2. Heard both sides.

3. Taking into consideration the facts and circumstances, this Court is of the view that the delay of 89 days caused in filing application to set aside the *ex parte* award shall be condoned on



4. Accordingly, the application, in I.A.No.80 of 2010, filed by the petitioners is allowed and the delay of 89 days caused in filing application to set aside the ex parte award is condoned and the ex parte award, dated 13.12.2009, passed in I.D.No.94 of 2005, by the first respondent, is set aside, on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees ten thousand only) towards cost to the learned counsel for the second respondent / workman, within a period of two weeks from today and produce the acknowledgment before the first respondent for the cost paid as stated above and the first respondent is directed to complete the proceedings, in I.D.No.94 of 2005, and pass orders on merits and in accordance with law, within a period of four months thereafter.

5. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar(CS)

Encl: Cost Momo

To:

The Presiding Officer, Labour Court, Tirunelveli.

+1cc to M/s.M.P.Senthil, Advocate in SR.61828

+1cc to M/s.D.Saravanan, Advocate in SR. 61901

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