

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.1027 of 2014

AND

CIVIL MISCELLANEOUS APPEAL No.417 of 2016

COMMON JUDGMENT:

These two appeals are preferred challenging order dated 23.05.2008 in W.C.No.5 of 2004 on the file of Commissioner for Workmen's Compensation-cum-Assistant Commissioner of Labour, Rajahmundry. One appeal is filed by Insurance Company and the other appeal is filed by the alleged employee i.e., 1st respondent in W.C.No.5 of 2004.

2. The main objection of 1st respondent in W.C.No.5 of 2004 is that he is not the owner, but his father Medapati Chella Reddy is the original owner and policy also stands in his name, therefore, the matter has to be remitted back to the lower Authority to enable applicants to correct the defect or mistake by impleading proper party. Advocates for Insurance Company, claimants and 1st respondent in W.C.No.5 of 2004 requested that both the appeals may be remitted back to the lower Authority for fresh disposal. Advocate for Insurance Company submitted that claimants have already withdrawn 50% of the amount and the Insurance Company may be permitted to take back the remaining 50%, which shall be subject to the result of W.C. case.

3. Considering the submissions of both sides, both these appeals are allowed and impugned order dated 23.05.2008 is set aside and the case is remitted back to the lower Authority i.e., Commissioner for Workmen-cum-Assistant Commissioner of Labour, Rajahmundry, for fresh disposal and the lower Authority shall given an opportunity to both parties to adduce evidence, if necessary, and also allow claimants to implead proper party and Insurance Company is permitted to withdraw the remaining 50%, which is deposited at the time of filing appeal.

4. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

22nd April 2016.

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