

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No.298 of 2010

Md. Amin S/o Hazi Md. Harun, Proprietor Baba Rice Mill, Bade Dongar Road, Farasgaon, Distt.-Bastar (CG).

---- Appellant

Versus

1. Tejram Seth S/o Pooranchandra Seth, aged about 46 years, R/o Baghanpali, Police Station Balangir, Distt. Balangir (Orissa).
2. Gopinath Malik, S/o Siddhi Malik, aged about 35 years, R/o Dabhar, Police Station Gop, Distt. Puri (Orissa).
3. The National Insurance Co. Ltd. Branch Jagdalpur Near Head Post Office, through The Assistant Manager, 3rd T.P. Cell, B-1, Taha Complex, Priyadarshini Nagar, Bilaspur.

---- Respondents

And

MAC No. 687 Of 2009

The National Insurance Co. Ltd. Branch Jagdalpur Near Head Post Office, through The Assistant Manager, 3rd T.P. Cell, B-1, Taha Complex, Priyadarshini Nagar, Bilaspur.

---- Petitioner

Versus

1. Tejram Seth S/o Pooranchandra Seth, aged about 43 years, R/o Baghanpali, Police Station Balangir, Distt. Balangir (Orissa).
2. Md. Amin S/o Hazi Md. Harun, Proprietor Baba Rice Mill, Bade Dongar Road, Farasgaon, Distt.-Bastar (CG).
3. Gopinath Malik, S/o Siddhi Malik, Caste Kenwat, aged about 35 years, R/o Dabhar, Police Station Gop, Distt. Puri (Orissa).

---- Respondents

18/09/2017	Shri Ankur Agrawal and Shri Rajat Agrawal, Advocates for the respective appellants. Shri Goutam Khetrapal, Advocate for respondent No.3-National Insurance Co.Ltd. The two appeals have been filed by the employer as well as the insurance company assailing the award dated 29.09.2008 passed by the Commissioner for Workmen's Compensation, Labour Court, Jagdalpur, in Case No.92/WC Act/Fatal/1/2006. MAC No.298 of 2010 is an appeal by the employer assailing the award of penalty whereas, MAC No.687 of 2009 is an appeal by the insurance company assailing the liability fastened upon it for making payment of compensation.

The appeal of the insurance company was admitted as early as on 19.01.2010. Pending the appeal, the claimant i.e. Tajram Seth had died on 13.10.2012 and an intimation in this regard was also brought to the notice of both the appellants as is evident from order sheet dated 27.01.2014. Though more than 2 and ½ years have been passed since 27.01.2014, till date none of the respondents have taken any steps for brining LR's of the deceased respondent No.1 on record.

In view of the same, this court is inclined to dismiss both the appeals of having abated.

The appeals are accordingly dismissed as having abated.

Any interim relief granted by this court in these two appeals, in between, would get merged with this order and as a consequence would stand vacated.

Sd/-

(P. Sam Koshy)
Judge