

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (L) No. 89 of 2017**

Poshan Chandrakar, S/o Late Jeevrakhan Chandrakar, aged about 39 years, R/o Village and Post- Gorkapara, Tehsil-Gundardehi, Police Station – Anda, District Balod (C.G.)

---- Petitioner**Versus**

Phaguwa Ram Yadav, S/o Late Shyamlal Yadav, aged about 67 years, R/o Village – Aarala, Post-Bherogaon, Tehsil and District-Rajnandgaon (C.G.)

---- Respondents

For Petitioner: Mr. Gagan Tiwari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10/04/2017**

(1) By the impugned order, the Commissioner, Workmen's Compensation-cum-Labour Court, Durg has rejected the petitioner's application for framing additional issues under Order 14, Rule (5) of the Code of Civil Procedure (for short "C.P.C."), against which instant writ petition has been filed questioning the same.

(2) The respondent/workman filed an application under Section 10 of the Employee's Compensation Act, 1923 (henceforth 'Act, 1923') stating that after the death of his son, he is shocked and disturbed and taking advantage of such statement, the petitioner has amended his statement of claim on 12.01.2016 taking a plea that such an application is not maintainable as the respondent is a person of unsound mind, and thereafter prayed for framing of additional issues, which has been rejected by the learned Labour Court by the impugned order dated

07.12.2016.

(3) After hearing learned counsel appearing for the petitioner, this Court is of the opinion that the writ petition is liable to be dismissed as the respondent/father of the workman has simply said that he is shocked and disturbed on account of sudden demise of his young son, who was aged about 25 years. However, the Commissioner, Employees' Compensation, would look this aspect of the matter and if necessary, make an enquiry and consider the need of appointment of next friend for the respondent and thereafter conclude the hearing of claim application within four months from the date of receipt of certified copy of this order.

(4) With the aforesaid observation, the writ petition stands finally disposed off. No order as to cost (s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-