

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2017

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THE HONOURABLE Mr.JUSTICE M.GOVINDARAJ

CRP[PD].No.3080 of 2017
and CMP.No.14415 of 2017

The Divisional Manager,
M/s.The IFFCO-TOKIO General Insurance Co. Ltd.,
No.28 [Old No.195], I & II Floor,
North Usman Road,
T.Nagar, Chennai-17.

.. Petitioner

Vs

- 1.Parimala
- 2.Hariharan
- 3.Dhanushkodi
- 4.Duraisamy Udaiyar
- 5.Indirani
- 6.T.Muthukumarasamy

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 18.01.2016 [received on 28.06.2017] passed in E.C.I.A.No.288 of 2014 in E.C.No.364 of 2015 by the Commissioner for Employees Compensation [Learned Deputy Commissioner of Labour-II], Chennai.

For Petitioner : Mr.J.Michael Visuvasam

ORDER

The respondents 1 to 5 have filed a claim petition before the Commissioner for Workmen Compensation, Chennai, seeking compensation for a sum of Rs.25,00,000/- for the death of the husband of the 1st respondent, father of the 2nd and 3rd respondents and son of the 4th and 5th respondents, along with an application to condone the delay of 2089 days. The delay was condoned by the authority, by its order dated 18.01.2016. Aggrieved over the said order, the Insurance Company has preferred the above revision.

2. It is contended by the learned counsel appearing for the petitioner/ Insurance Company that the respondents/claimants should approach the authority within the prescribed limitation period, much less, within the reasonable period and more concerned about the liability to pay interest in case an award is passed, which would affect the Insurance company.

3. This Court, in a similar issue, by its order dated 23.09.2016 in CRP.No.2051 of 2016 has observed in paragraph Nos.5 and 6 as follows :

"5. While considering a matter like this, the Court should balance the equities. The respondents should be permitted to institute the proceedings for compensation. However, the Insurance Company should not be burdened with interest on account of the delay in preferring the claim. I am therefore of the view that an equitable order should be passed in this matter.

6. The order passed by the Commissioner for Workmen Compensation, dated 12.04.2016 is upheld with an observation that the respondents would not be entitled for interest for a period of 3382 days in case an award is passed in their favour."

This Court also concur with the aforesaid decision. Accordingly, the respondents 1 to 5 are not entitled to interest for the period of 2089 days.

4. With the above observation, the Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. There is no order as to costs.

22.09.2017

Index : Yes/No

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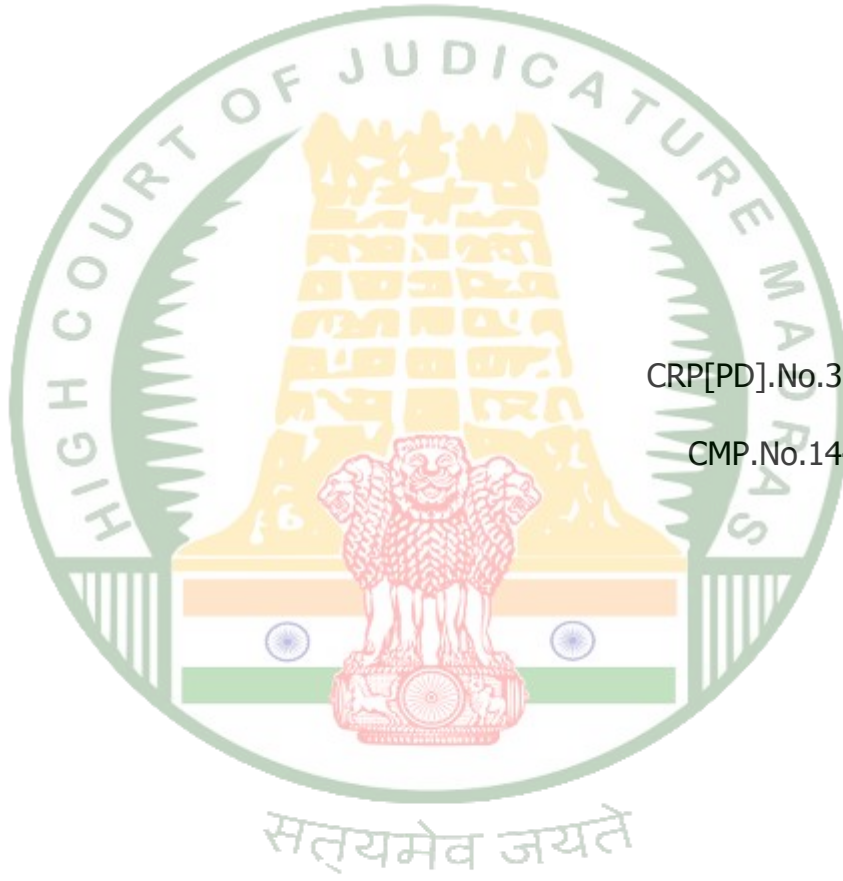
To

1.The Commissioner for Employees Compensation,
[Learned Deputy Commissioner of Labour-II], Chennai.

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M.GOVINDARAJ, J.

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