



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Sixth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.2563 of 2017
IN
CMA(MD) No.1321 of 2014

1 SELVARAJ

2 VAIRAM

... PETITIONERS/
RESPONDENTS 1 & 2/PETITIONERS 1 & 2

Vs

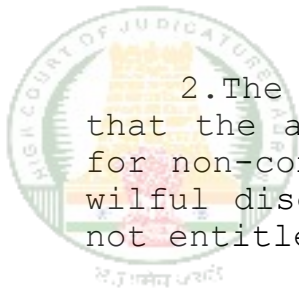
1 THE SENIOR DIVISIONAL MANAGER
THE ORIENTAL INSURANCE COMPANY LIMITED,
DO.II, NO.8,
ESPLANADE, 4TH FLOOR, CHENNAI. ...1ST RESPONDENT/APPELLANT/
2ND RESPONDENT

2 THE SOUTH INDIAN CORPORATION LIMITED,
CHETTINADU CEMENT COLONY, KEELAPALUR,
ARIYALUR.
(R2 REMAINED EX-PARTE BEFORE THE
LOWER COURT) ...2ND RESPONDENT/3RD RESPONDENT/
1ST RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass necessary orders by allowing this Petition and thereby permit the petitioners to withdraw 50% of the award amount together with the interest which was deposited by the 1st Respondent / Appellant in W.C.No.127 of 2013 before the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Trichirapalli.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.SUDHAGAR NAGARAJ, Advocate for the petitioner and of M/S K.BHASKARAN, Advocate for R1 and Mr.R.MURALI, Advocate for R2 the court made the following order:-

Pursuant to the interim order, the appellant has deposited the entire award amount to the credit of W.C.No.127 of 2013 before the Commissioner of Workmen Compensation (Deputy Commissioner of Labour), Trichirapalli. The claimants, who are the parents of the deceased, filed present application seeking to withdraw 50% of the award amount.



2.The learned counsel for the Insurance Company would submit that the award of Commissioner of Workmen Compensation is disputed for non-consideration of the plea that the accident occurred due to wilful disobedience of the workmen and therefore, the claimants are not entitled to compensation.

3.Considering the nature of the accident as well as the fact that the parents of the deceased have lost their son, I deem it fit to permit them to withdraw 50% of the award amount along with accrued interest. The Commissioner, Workmen Compensation is directed to deposit the remaining 50% of the award amount in the Fixed Deposit initially for a period of three years in the Indian Bank, Madurai Bench of Madras High Court at Madurai.

4.This petition is ordered.

sd/-

06/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE COMMISSIONER OF WORKMEN COMPENSATION
(DEPUTY COMMISSIONER OF LABOUR),
TRICHIRAPALLI.

Copy To:

1 THE BANK MANAGER,
INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.N.SUDHAGAR NAGARAJ Advocate SR.No.19632

ORDER
IN
CMP (MD) No.2563 of 2017
IN
CMA (MD) No.1321 of 2014
Date :06/04/2017

MS/PM.PN/SAR.2/10.04.2017/2P.4C