

THE HON' BLE SRI JUSTICE M. S. K. JAISWAL

CMA MP.No. 2297 OF 2012 and CMA MP.No. 413 of 2016
in CMA.No. 1505 OF 2008

And

CMA.No. 1505 OF 2008

JUDGMENT:

This appeal is filed by the Appellant/Opposite Party No.2 questioning the order of the learned Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II, Hyderabad in W.C.No.9 of 2006, dated 19th May, 2008, by and under which the Assistant Commissioner of Labour directed the appellant/Opposite Party No.2 and another non-appellant/Opposite Party No.1 to pay a sum of Rs.3,27,612/- towards the compensation for the death of one V.Balaswamy. However, the appellant/Opposite Party No.2 deposited the entire compensation amount before the Assistant Commissioner of Labour by way of Demand Draft No.140882, Andhra Bank, Srinivasapuram Branch, Ramanthapur, Hyderabad.

2. Now, it is represented that the sole appellant/Opposite Party No.2 died on 05.03.2013 and no steps whatsoever are taken to implead the legal representatives of the sole appellant.

3. In that view of the matter the appeal is dismissed, as having been abated.

4. After having heard the learned counsel appearing for both sides, the amount of compensation i.e., Rs.3,27,612/-, awarded by the Assistant Commissioner of Labour and deposited by the appellant herein, is apportioned as under:

The 1st Respondent/Applicant No.1 is entitled to a sum of Rs.1,02,612/- together with the interest accrued thereon, and the other three Respondents/Applicants, who are the daughters of the deceased,

are entitled to Rs.75,000/- each together with the interest accrued thereon on the respective shares.

5. It is clear from the record that the 2nd respondent/ Claimant No.2 has already withdrawn her share of amount i.e., Rs.75,000/- together with interest accrued thereon, permitted by the orders of this Court in CMAMP No.1447 of 2013, dated 14.08.2013. Therefore, the lower Tribunal is directed to pay the amounts payable to the Respondents 1 & 3/ Claimants No.1 & 3, as apportioned above immediately. However, so far as the share of the 4th Respondent/ 4th Claimant, who is still minor, is concerned, the said amount shall be kept in a fixed deposit for a period of two more years, and on her attaining majority, it is open to her to file appropriate application before the lower Tribunal for withdrawal of her share amount and the interest accrued thereon.

6. Accordingly, the CMA is dismissed as abated, and the CMAMPs., are allowed to the extent indicated above. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

Dt.22-03-2017

M. S. K. JAISWAL

Note:

Issue CC by tomorrow.

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