

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATE : 02.07.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.782 of 2014

1. Kannan
2. Ramuthai
3. Sagayavalli ... Appellants

Vs.

1. Management,
Meena Advertisers and U-Matric Video Studio,
142, Eldams Road,
Teynampet,
Chennai -600 018.
2. Kumaran ... Respondents

Civil Miscellaneous Appeal has been filed under Section 30 of Workmen Compensation Act, 1923 against the order passed in W.C.No.365 of 2005 on the file of the Commissioner for Workmen Compensation /Deputy Commissioner of Labour-II, Chennai, dated 02.08.2013.

For Appellants : Mr.M.L.Rajesh

For Respondents: Mr.Niranjan Rajagopal
for M/s. GR Associates for R1
No appearance for R2.

JUDGMENT

(Judgment of the Court was delivered by R.SUBBIAH, J.,)

The appellants, who are the applicants before the Commissioner for Workmen Compensation, have filed this Appeal as against the order dated 02.08.2013 passed in W.C.No.365 of 2005 on the file of the Commissioner for Workmen Compensation /Deputy Commissioner of Labour-II, Chennai.

2. The 1st and 2nd appellants are the parents and the 3rd appellant is the younger sister of the deceased Saravanaperumal. The deceased Saravanaperumal was working in the 1st respondent establishment and was earning Rs.7,500/- per month. During the course of employment, he met with an accident and died on 23.05.2005. The appellants were solely depending on the income of the deceased. Since no compensation has been paid by the respondents, they filed a Claim Petition before the Commissioner of Workmen Compensation seeking to award compensation.

3. Today, when the matter is taken up for consideration, both the parties are present before this Court and they submitted that they have arrived at a settlement among themselves and have also filed a joint memo of settlement, in which, both the parties as well as their respective counsels have signed. They submitted that the appeal may be allowed in terms of joint memo of settlement. The joint memo of settlement reads as follows:

1. This Joint Memo for settlement is entered into by the Appellants and the 1st Respondent i.e., Meena Advertisers, a proprietary concern. The Appellants are the legal heirs of the deceased Mr.Saravana Perumal.

2. Pursuant to the case filed by the Appellants herein in W.C.No.365 of 2005 before the Dy.Commissioner of Workmen Compensation Chennai an award was passed, holding the 1st respondent herein as a Principal employer liable on behalf of the 2nd respondent Mr.S.Kumaran to compensate the appellants herein for a sum of Rs.4,50,000/- . The appellants herein had also filed an appeal for enhancement. It is accepted that the appellants have already received a sum of Rs.70,000/- from the 1st and 2nd respondents in the year 2005.

3. The appellants agree that, the amount due to them can be given in the name of 1st appellant Mr.S.Kannan and the 1st appellant confirms that he is receiving the payment on behalf of all the appellants.

4. After discussion between the parties and the Counsels for the parties, i.e. The Appellants and the 1st respondent, the Appellants and the 1st respondent agree to settle all the litigation and issues connected with the death of Saravanaperumal and the proceedings arising out of W.C.No.365 of 2005 under the Workmen Employees Compensation Act 1923 in the terms as stated below:

i) The 1st respondent shall pay a sum of Rs.7 lakhs to the appellants as full and final settlement on the aforesaid issue.

ii) The appellants agree to receive the aforesaid sum and relinquish all and any claim against the respondents.

iii) The 1st respondent shall pay the 1st instalment of Rs.3 lakhs by way of Demand Draft on the day of signing of this agreement in the name of Mr.S.Kannan which number is 611460 drawn on Indian Bank dated 15.06.2018.

iv) The remaining amount of Rs.4 lakhs shall be paid by Demand Draft in the name of Mr.S.Kannan by 01.08.2018.

v) The appellants herein relinquish their claim against both the respondents and agrees that the 1st respondent is at liberty to recover the amount settled referred to above from the 2nd respondent who has not contributed anything to the aforesaid settlement. Both the appellants and 1st Respondent confirm that they have no further claims against each other.

4. The 1st Appellant doesn't know english and the contents have been translated and explained to him in tamil by both the lawyers in the matter.

5. The appellants and the 1st respondent agree to record this memo of settlement before the Hon'ble High Court and the appellants undertake to withdraw any pending legal proceedings against the respondents and relinquish any claims against the respondents.

6. In the circumstances, it is prayed that this Hon'ble Court may be pleased to record the aforesaid Joint Memo filed on behalf of the 1st respondent and the appellants and pass appropriate order and thus render justice."

4. In the result, the Civil Miscellaneous Appeal is allowed in terms of joint memo of settlement. The said joint memo of settlement shall form part of the record. No costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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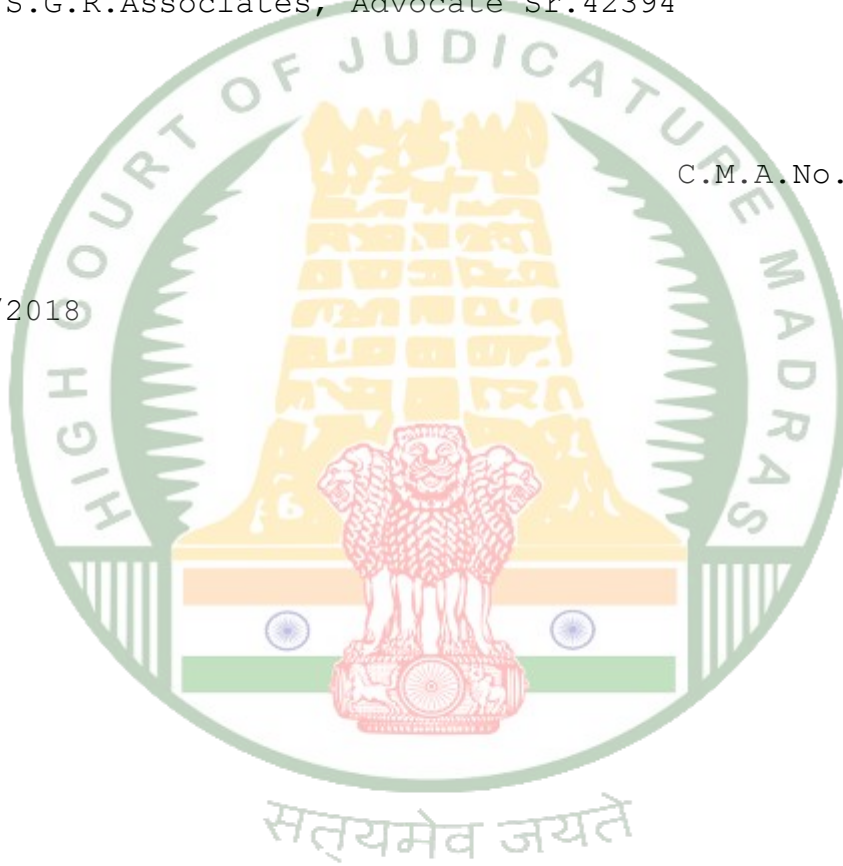
1.The Commissioner for Workmen Compensation/
Deputy Commissioner of Labour-II, Chennai.

2.The Section Officer,
VR Section, High Court, Madras-104. (2 copies)

+1cc to M/S.G.R.Associates, Advocate Sr.42394

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