

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.849 of 2018
and CMP.No.4693 of 2018

The Proprietor,
M/s.Bricks and Blocks,
Presently M/s Bright and Bright,
No.51, 1st Street, New Saram,
Puducherry

.. Petitioner

Vs

M.Venkatesan

.. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 21.12.2017 passed in IA.No.3 of 2017 in ECA.No.7 of 2017 on the file of the Additional Commissioner for Employees Compensation at Puducherry.

For Petitioner : Mr.Babu Rangasamy

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the respondent has filed an application in ECA.No.7 of 2017 before the Additional Commissioner for Employees Compensation, Puducherry for claiming compensation towards employment, injury sustained by him, while on duty under the petitioner on 04.05.2014 and 22.11.2014 and got permanent disability and his right leg was amputated. The respondent also filed an application in IA.No.3 of 2017 in the above application to condone the delay in filing the above application. The said application was allowed by the court below. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

3. The learned counsel for the revision petitioner would submit that there is no sufficient reason has been stated in the affidavit. Therefore, the court below has erroneously allowed the application and the order of the court below is liable to be set aside.

4. By considering the germane of the present case, the contention of the revision petitioner is that the respondent has not stated sufficient reasons for each and every day delay and the supporting document was contrary to the reasons stated in the petition. In the

affidavit filed by the respondent herein, it has been stated that the respondent was hospitalised. By considering the various decisions of this Court in the case of *Shahabad Farmers Cooperative Marketing-cum-Processing Society Ltd Vs. Chajju Ram* reported in **1989 ACJ 641**, *Narsayya Ashanna Vs. Tata Robins Frazer Ltd* reported in **1994 II LLJ 149(Bom)** and *Mangal Chand Vs. Forest Depart* reported in **(1985) 1 LLJ 369**, the court below has allowed the application.

5. Further in the case of ***Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy & Ors., reported in (2013) 12 SCC 649***, the Hon'ble Supreme Court has observed that there should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay.

6. In the case of *N.Balakrishnan Vs. M.Krishnamurthy* reported in **(1998) 7 SCC 123**, wherein it is held unless there is no materials to condone the delay, the High Court cannot interfere with the order of the court below.

7. In the light of the aforesaid facts and the decisions of the Hon'ble Supreme Court, there is no force on the contention of the revision petitioner. The order of the court below is confirmed and the Civil Revision Petition is liable to be dismissed.

8. The Civil Revision Petition fails and accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

12.03.2018

Note : Issue order copy on or before 28.04.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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To

The Additional Commissioner for
Employees Compensation,
Puducherry.



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D. KRISHNAKUMAR J.,

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