

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.3454 of 2009

R.Suresh Babu

... Appellant

Vs.

1. Bava Erectors,
Neyveli Lignite Corporation,
Y-213, Block-29, Neyveli - 1.
2. The Chairman-cum-Managing Director,
Neyveli Lignite Corporation, Neyveli - 1.
3. Deputy Commissioner of Labour-2,
Authority under Workmen's Compensation Act,
Labour Department,
Tenampet, Chennai - 6.
4. The New India Assurance Company Limited,
3rd Floor, Tarapore Tower,
Anna Salai, Mount Road,
Triplicane, Chennai - 600 002.

(R4 impleaded vide order of Court
dated 15.11.2017 made in C.M.P.No.19360 of 2017
in C.M.A.No.3454 of 2009) ... Respondents

PRAYER: Civil Miscellaneous Appeal has been filed under Section 30 of Employee's Compensation Act, 1923, to call for the records of 3rd respondent i.e Deputy Commissioner of Labour-2 at Chennai, in Aal/6586/2009 W.C. Of 2009, dated 17.11.2009 and quash the order to extent of award amount and consequently enhance the award amount Rs.2,50,000/- with interest calculated at 18% per annum till the date of realization and to allow the CMA.

For Appellant : Mr.K.Sathish

For 1st Respondent : M/s.Jayaraman & Associates

For 2nd Respondent : Mr.N.Nithianandam

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J U D G M E N T

The present Civil Miscellaneous Appeal has been filed against the order passed by the Commissioner of Workmen's Compensation (Deputy Commissioner of Labour-I) at Chennai, in Aa1/6586/2009 W.C. of 2009, dated 17.11.2009.

2. By consent of both parties, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by order dated 11.12.2017.

3. Pursuant to the negotiations, the parties have arrived at mutually agreeable settlement and a report was sent by the Tamil Nadu Mediation and Conciliation Centre, in Mediation Case No.1459/2017 dated 05.03.2018, attaching the Joint Memo of Compromise. The said Joint Memo of Compromise reads as under:-

Joint Memo filed on behalf of the appellant respondents

The appellant had agreed to settle the issue amicably before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

The appellant had agreed to receive a sum of Rs.1,53,368/- (Rupees One lakh fifty three thousand three hundred and sixty eight only) from the 4th respondent in the above C.M.A.No.3454 of 2009.

The appellant had agreed there is no further claim in future against the respondents in the C.M.A.No.3454 of 2009.

The appellant had received the demand draft No.651035 dated 02.03.2018 taken at State Bank of India, Block-2, Neyveli favouring the appellant taken by the 4th respondent. Hence, the case may be ordered accordingly by filing this joint memo between the appellant and the respondents and thus render justice.

The appellant begs to pass order in the above C.M.A.No.3454 of 2009 by filing the Joint Memo at the earliest and thus render justice.

4. When the matter is taken up today (11.08.2018), the learned counsel appearing for the 4th respondent/Insurance Company submitted that as per the Joint Memo of Compromise, the matter was settled before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, and the entire amount has been settled in favour of the appellant.

5. Recording the Joint Memo of Compromise, this Civil Miscellaneous Appeal is closed. The said Joint Memo of Compromise shall form part of the decree. There shall be no order as to costs.

Encl xerox copy of compromise memo
asi

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

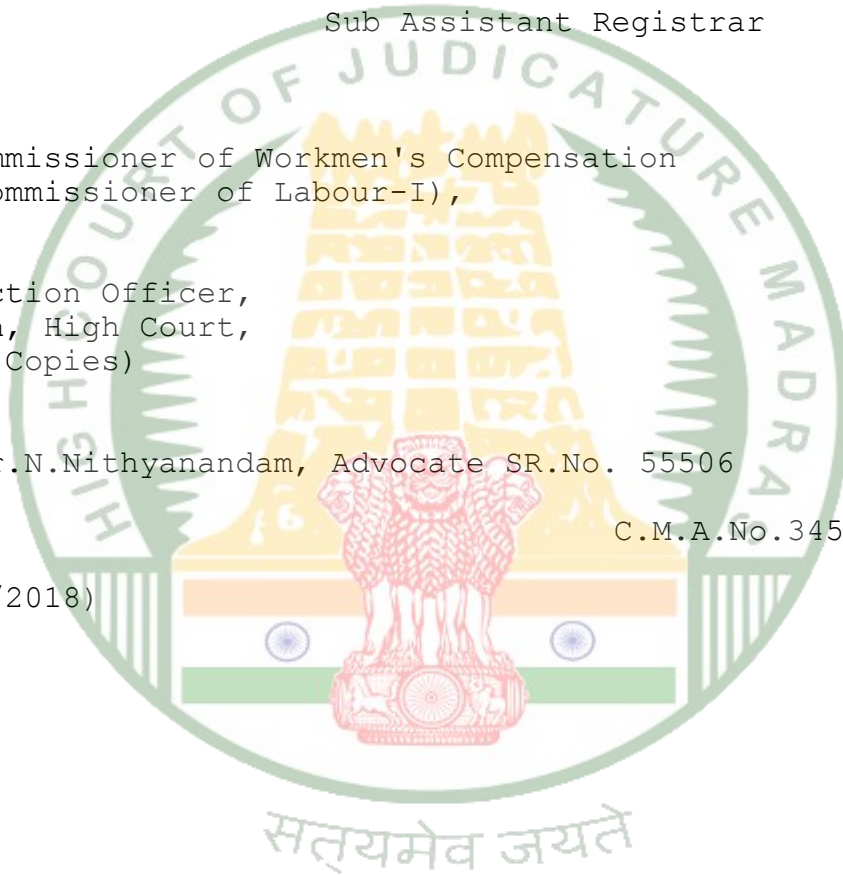
1. The Commissioner of Workmen's Compensation
(Deputy Commissioner of Labour-I),
Chennai.

2. The Section Officer,
VR Section, High Court,
Madras.(2 Copies)

+1cc to Mr.N.Nithyanandam, Advocate SR.No. 55506

C.M.A.No.3454 of 2009

NMI (CO)
ASK(07/09/2018)



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