

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2786 of 2013
and M.P.Nos.1 of 2013 & 2 of 2014

The New India Assurance Co.Ltd.,
No.68, Purasawalkam High Road,
Chennai - 600 007. Appellant/3rd Respondent

Vs.

1. R.Raja

2. Proprietor,
Tropical System Agro Ltd.,
No.530/213, Vanagarm Road,
Ambattur Estate, Chennai - 600 058.

3.P.Chandrasekar Respondents/Petitioner/
Respondent 1 &2.

PRAYER: Civil Miscellaneous Appeal has been filed under Section 30 of Employee's Compensation Act, 1923, against the order dated 02.07.2013 made in W.C.No.1 of 2010 passed by the Commissioner for Workmen's Compensation (Deputy Commissioner of Labour-I) at Chennai.

For Appellant : Mr.M.Krishnamoorthy

For 1st Respondent : Ms.K.Rafiya Parveen

For 2nd Respondent : M/s.Gupta & Ravi

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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 for Workmen's Compensation (Deputy Commissioner of Labour - I) at Chennai, in W.C.No.1 of 2010, dated 02.07.2013.

2. By consent of both parties, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by order dated 05.01.2018.

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.22/2018 dated 04.03.2018, attaching the terms of settlement. The said Mediation agreement reads as under:-

Compromise Memo filed by appellant & 1st respondent/Workman & 2nd respondent/Management

A Settlement has been arrived at in the above CMA No.2786 of 2013 in the matter concerning the payment of workman compensation between M/s.Tropical Agrosystem (India) Private Limited, through its Authorized Representative Mr.Krishnamurthy, the 2nd Respondent and Tr.R.Raja @ Venkatesan, the 1st Respondent during the Mediation conducted in the High Court Mediation Centre with the participation of the counsel for the appellant, 1st Respondent and 2nd Respondent on the 14th day of March 2018. The above matter has been finally settled in the High Court Mediation.

The terms of settlement agreed full and final to between the parties are as follows:

1.The 2nd Respondent agreed to make payments of Rs.2,32,289/- (Rupees Two Lakhs Thirty Two Thousands and Two Hundred and Eighty Nine Only) as the compensation to the 1st Respondent/Applicant.

2.It is agreed that while the original award amount of Rs.1,63,584/- as award is retained, the interest payable has been agreed to be reduced from 12% as award to 9% and the same is agreed to be calculated for the period from 08.07.2013 to 07.03.2018, for payment to the first respondent, workmen and consented to receive as full and final settlement.

3.The 2nd respondent agreed to pay a total sum of Rs.2,32,289/- being Rs.1,63,584/- as compensation and Rs.68,705/- forwards interest which the 1st respondent has willingly agreed.

4.The total settlement amount of Rs.2,32,289/- is to be paid in one lump sum for which the 2nd respondent presented a Demand Draft bearing No.213873 dated 13.03.2018 amounting Rs.2,32,289/- payable at Indian Overseas Bank, Anna Nagar Branch on this day, while the 1st respondent acknowledges its receipt.

5.The 1st and 2nd respondent have no objection for the appellant filling appropriate petition before the commissioner of workmen compensation (DCL-I) for the refund of deposited amount with accrued interest if any as made before the DCL as a statutory obligation for appeal and to dispose of this C.M.A.No.2786/2013 filed before this Hon'ble Court in terms of this agreed settlement.

6.It is agreed that there will be no, past, present, or further claim by the 1st respondent either against 2nd respondent or any other respondents in this regard and this amount of Rs.2,32,289/- (Rupees Two Lakha Thirty Two Thousand and Two Hundred and Eighty Nine Only) is received from 2nd Respondent as the full and final settlement of all claims.

4. When the matter is taken up today (11.08.2018), the learned counsel appearing on both sides submitted that the parties have settled their dispute in terms of the Mediation Agreement dated 04.03.2018 and the 1st respondent has acknowledged the receipt of payment from the 2nd respondent.

5. In view of the settlement arrived at between the parties before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this Civil Miscellaneous Appeal is closed. The appellant is entitled to refund of Court fee. The said Mediation agreement shall form part of the decree. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

Copy to:

The Secretary,
Tamil Nadu Mediation and conciliation centre,
Hing Court, Madurai.

+1cc to Mr.M.Krishnamoorthy, Advocate, S.R.No.55266

+1cc to M/s.Gupta and Ravi, Advocate, S.R.No.55261

+1cc to M/s.Arunachalam Associates, Advocate,

S.R.No.56135 (25/10/2018

C.M.A No. 2786 of 2013
and M.P.Nos.1 of 2013 & 2 of 2014

RJ (CO)

rrs 18/09/2018.



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