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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.2628 of 2016

and

C.M.P.[MD]No.12349 of 2016

P.S.Jayaraman
Proprietor,
Sri Ramajayam Blue Metals,
S.F.No.131, Padalur East,
Therani Road,
Aalathur Taluk,
Perambalur.

: Petitioner

Vs.

1.Dhanamani
2.Kumarasan
3.Sasi Kumar
4.Devaki

: Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the order in I.A.No.45 of 2015 in W.C.No.127 of 2014 on the file of the Additional Commissioner Workman Compensation (Joint Commission of Labour) Trichy.

For Petitioner	: Mr.J.Madhu
For Respondents	: Mr.M.Saravanan for Mr.R.Subramanian

O R D E R

The respondents herein are the claimants before the Commission for Workman Compensation, Trichy. They filed W.C.No.127 of 2014. The same was dismissed for default. To restore the same, they filed an application. The authority restored the W.C., even though there was no application for condoning the delay. The approach of the authority is questioned on this ground by the employer.

2.This Court is of the view that in matters such as this technical considerations ought not to come in the way. Admittedly, the revision petitioner's employee Chidambaram passed away. The employer may have certain defences but, they have to be gone into only in the main case. At this stage, this Court is only considered with the restoration of W.C. This Court is of the view that the additional Commissioner of Labour has rightly restored the W.C. This Court finds no merit in this Civil Revision Petition. The Civil Revision Petition is dismissed. The authority



shall dispose of the claim within a period of six [6] months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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/True Copy/

Sub Assistant Registrar(CS-III)

To

The Additional Commissioner Workman Compensation,
Joint Commission of Labour,
Trichy.

+1cc to Mr.J.Madhu, Advocate Sr.No.85455

+1cc to Mr.R.Subramanian, Advocate Sr.No.85462

MR

VB/PM/SAR3/13.11.2018/2P/4C

ORDER MADE IN
C.R.P.NPD[MD]No.2628 of 2016
19.09.2018