



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fourth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.8463 of 2018

IN

CMA(MD) No.962 of 2012

A.RATHINASAMY (DIED)

.../APPELLANT

R.ESAKKIAMMAL

... PETITIONER/LR OF DECEASED SOLE APPELLANT

Vs

1 THE AUTHORISED OFFICER
EMPLOYEES STATE INSURANCE CORPORATION,
TIRUNELVELI.

2 THE RECOVERY OFFICER,
EMPLOYEES STATE INSURANCE CORPORATION,
TIRUNELVELI.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 614 days in filing the petition to set aside the abatement caused due to the death of the sole appellant and thus render justice.

Prayer in CMA(MD). 962/ 2012 :

To set aside the order passed E.S.I.O.P.No.17 of 2011 dated 11/01/2012 on the file of the Employees State Insurance Courtr (Labour Court)Tirunelveli by allowing this Civil Miscellaneous Appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.H.ARUMUGAM, Advocate for the petitioner and ofMr.K.C.RAMALINGAM,Advocate for R1 & R2, the court made the following order:-

This petition is filed to condone the delay of 614 days in filing the petition to set aside the abatement caused due to the death of the sole appellant.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned counsel appearing for the petitioner submitted



that after the death of husband of the petitioner, she is running hotel business by obtaining licence in her name. The petitioner came to know about the pendency of the appeal filed by her husband only after receiving a letter dated 13.05.2018 from the Advocate. Immediately, she has come out with the present petition and this petition may be allowed on terms.

3. In view of the above submission, this petition is ordered and the delay is condoned on payment of cost of Rs.2,000/- (Rupees Two Thousand Only) to the Rojavanam, Homeless & Aged Care Centre, Melur Road, Uthangudi, Madurai, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically, without further reference to this Court.

sd/-
04/10/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE EMPLOYEES STATE INSURANCE COURT,
(LABOUR COURT), TIRUNELVELI.
- 2 THE OFFICER INCHARGE,
ROJAVANAM, HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI.

PS/JC/SAR-1:09/10/2018:2P/3C

ORDER
IN
CMP(MD) No.8463 of 2018
IN
CMA(MD) No.962 of 2012
Date :04/10/2018