

\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Judgment: 03.04.2018

+

W.P. (C) 3153/2018

AVEENA MILK PRODUCTS PVT. LTD. Petitioner
Through: Mr.Anup Trehan and Mr.Akarsh
Bhalla, Advocates

versus

COMMISSIONER EMPLOYEES COMPENSATION AND
ORS. Respondents

Through: Ms.Palak Rohmetra, Advocate for
Ms.Avnish Ahlawat, Advocate for R-1.
Mr.R.K. Nain, Advocate for R-2.

**CORAM:
HON'BLE MR. JUSTICE VINOD GOEL**

VINOD GOEL, J. (ORAL)

CAV 248/2018

Shri R.K.Nain, Advocate appears for respondent No.2/victim
and as such the caveat is discharged.

CM APPL. 12524/2018 (Exemption)

Exemptions granted subject to all just exceptions.

The application stands disposed of.

CM APPL. 12523/2018 (Stay)

This application is not pressed at this stage as learned counsel for the petitioner submits that he would be filing stay application before the Commissioner, Employee's Compensation.

Application is dismissed as withdrawn.

W.P.(C) 3153/2018

1. Respondent No.2/victim having suffered injuries during the course of the employment with the petitioner had filed a petition for compensation before the Commissioner, Employee's Compensation (in short 'CEC'). The petition was allowed by ex-parte order dated 23.11.2017 against the petitioner. A sum of Rs.10,62,576/- as compensation was awarded with interest to respondent No.2 against the petitioner. Additionally, a sum of Rs.2,80,901/- was granted for medical expenses. The petitioner filed an application under Order 9 Rule 13 CPC for setting aside the ex-parte order dated 23.11.2017 before the CEC vide diary No.6551 on 26.12.2017. The original acknowledgment is on the record. Learned counsel for respondent No.2/victim has no objection in case the application is decided by the CEC in accordance with law.
2. In the circumstances, the CEC, Labour Department (South), Govt. of NCT of Delhi, is directed to decide the application filed by the petitioner on 26.12.2017 under Order 9 Rule 13 CPC in accordance with law within 15 days from today.

3. Parties shall appear before the CEC, Labour Department (South), Govt. of NCT of Delhi, Pushp Bhawan, Pushp Vihar on 06.04.2018 at 11:00 AM.
4. Writ petition is disposed of accordingly.
5. Copy of the order be given dasti to learned counsel for the parties under signatures of the Court Master.

APRIL 03, 2018
"DKB"

(VINOD GOEL)
JUDGE



नित्यमेव जयते