

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.P.No.16400 of 2019 in
C.M.A. SR No.1596 of 2019

The Management,
M/s.The Agarwal Foundries Pvt. Ltd.,
S.No.169, Chetla Gowraram (P.O),
Toopran Mandal, Medak District,
Telangana-502 334.

... Petitioner sought to be
preferred in CMA.SR.No.1596/19

-vs-

1.Murugammal

2.Surya (minor)

3.Chandru (minor)

2 & 3 rep. by their Mother and
Natural Guardian Murugammal

4.Munusamy

5.Raniammal

6.Samsudeen

... Respondents

Prayer in C.M.P.: Petition filed under Section 30(3) of the Workmen Compensation Act to condone the delay of 179 days in filing the Civil Miscellaneous Appeal sought to be preferred against the order dated 08.05.2018 in E.C. No.252 of 2015 on the file of the Commissioner for Workmen's Compensation - II, Tribunal at Chennai.

For petitioner : Mr.J.Deliban

ORDER

The petition has been filed to condone the delay of 179 days in filing the above appeal against the order dated 08.05.2018 passed in E.C. No.252 of 2015 on the file of the Commissioner for Workmens Compensation-II, Tribunal at Chennai.

2.Learned counsel appearing for the petitioner would submit that the Tribunal has passed the impugned order awarding huge amount of Rs.8,20,400/- in E.C. No.252 of 2015, without even taking note of the deposition of P.W.1 that her deceased husband was an Employee only under the sixth respondent herein. When there is no direct relationship between the deceased and the petitioner as employee and employer, passing the award dated 08.05.2018 granting a sum of Rs.8,20,400/- is highly untenable and unacceptable. Therefore, the petitioner has been advised to file an Appeal. In the meanwhile, there is a delay of 179 days in filing the appeal.

3.Explaining further it is submitted by the learned counsel appearing for the petitioner that after the impugned award was passed, the said copy of the award was furnished to the petitioner only on 11.12.2018 and after obtaining the same, they also sought legal opinion to find out whether it is a fit case for preferring an Appeal. In the said process, there was a delay of 179 days.

4.This Court is unable to accept the submissions made by the learned counsel appearing for the petitioner. When the petitioner Management has been running a Company, they cannot unnecessarily delay the matter, once the award is passed on 08.05.2018. When the wife of the deceased made out a claim for a sum of Rs.15,00,000/-, the Tribunal has awarded only a sum of Rs.8,20,400/-. The petitioner, being aggrieved, ought to have awoken to the situation, but the same has not been done in this case. As it is well settled law that every day's delay has to be explained, no such explanation has been given in the present case for condoning the delay and therefore, this petition fails and the same is dismissed. Consequently, CMA No.SR1596 of 2019 stands rejected. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

vga

To

The Commissioner for Workmen's Compensation - II,
Tribunal at Chennai.

+1 cc to Mr.J.Deliban, Advocate, S.R.No.66152

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PPA (CO)
SSM(12/09/2019)



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