

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1574 of 2006

and

C.M.P.No.6975 of 2006

M.Muthu

... Appellant

vs

1.A.Kannayiram

2.Sithapathy

3.Mariappan

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, to set aside the award dated 30.05.2005 passed in W.C.No.70 of 2003 by the Deputy Commissioner of Labour-I, Chennai - 600 006.

For Appellant : Mr.M.Kamalanathan

For R1 : No appearance

For R2 & R3 : Service awaited

J U D G M E N T

This case is coming up in the list for many occasions. On the last occasion i.e 25.10.2019, the learned counsel for the appellant had requested time for taking steps to serve the notice on the 1st respondent. Today, the learned counsel for the appellant submitted that the notice has been returned with an endorsement "unclaimed".

2.I have perused the previous orders of the case. It is noticed that as early as on 12.09.2012, it was reported that the original contesting party the 1st respondent/claimant died and the case was adjourned for taking steps to bring on record the

legal representatives of the 1st respondent. No attempt has been made by the appellant in that direction till date. Therefore, attempt of the appellant to serve the notice on the dead person will naturally be returned.

3.I am therefore not inclined to keep the present Civil Miscellaneous Appeal in pending before this court despite lapse of thirteen years since it was filed. The amount involved is also not very high to decide any substantial questions of law.

4.Therefore, the present Civil Miscellaneous Appeal is dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jen

To

1.The Deputy Commissioner of Labour-I,
Chennai.

Copy to:

The Section Officer, V.R. Section,
High Court, Madras.

+1cc to Mr.M.Kamalanathan, Advocate sr.97319

C.M.A.No.1574 of 2006

and

C.M.P.No.6975 of 2006

vd(co)
nr 27/12/2019

WEB COPY