

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (PD) NO.1316 OF 2019

AND

CMP NO.8616 OF 2019

V.Sathya

.. Petitioner

Versus

1.R.Savithri

2.Minor R.Vasantha Kumar

3.Minor K.Prajesh

(Respondent Nos.2 and 3 are
represented by their natural guardian
mother namely R.Savithri)

4.P.Vignesh

.. Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India against order dated 24.01.2019 in I.A.No.5 of 2018 in E.C.No.10 of 2017 pending disposal on the file of the Hon'ble Commissioner under Employees Compensation Act / Deputy Labour Commissioner, Coimbatore - 18.

For Petitioner : Mr.A.Deivasigamani
For Respondent-1 : Mr.S.Saravanan

ORDER

This Civil Revision Petition is directed against the order dated 24.01.2019 passed in I.A.No.5 of 2018 in E.C.No.10 of 2017 by the Commissioner under Employees Compensation Act / Deputy Labour Commissioner, Coimbatore - 18.

2. The petitioner filed an interlocutory application impleading the immediate employer/fourth respondent herein, before the Authority under the Workmen's Compensation Act, in a claim petition filed by the respondents 1 to 3 herein. The Authority has found that the claimants/ respondents 1 to 3 herein are *dominus litis* and that is why it is for them to decide who should be the opposite party and the respondent / petitioner herein cannot come and dictate terms to implead others.

3. From a perusal of the materials available before this Court, it is seen that the petitioner has made a mere statement that the proposed party is an immediate employer, but has not chosen to file any documents in proof of the same. In the absence of any contract between

the proposed party and the petitioner, as also any contract of employment between the respondents and the proposed party, this Court is not inclined to entertain the Civil Revision Petition. I do not find any infirmity in the order passed by the Authority under the Workmen's Compensation Act. It is open to the petitioner to prove the same at the time of enquiry to the concerned Authority.

4. In fine, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

08.07.2019

Index : Yes/No

Internet : Yes/No

Speaking / Non-speaking order
TK

To

The Commissioner under Employees Compensation Act
/ Deputy Labour Commissioner
Coimbatore - 18.

M.GOVINDARAJ, J.

TK



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