

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.M.A. No.481 of 2007 and
M.P.No.1 of 2007

The New India Assurance Co. Ltd.,
45, Moore Street, 5th Floor,
Chennai - 1.

... Appellant /2nd Respondent

v.

1. V.Vadivelu ...1st Respondent/Petitioner
2. Tmt. K.Kalavathi ...2nd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under section 30 of Workmen's Compensation Act, 1923, against the judgment and decree dated 13.12.2006 made in W.C. No.391 of 2005 on the file of the Court of Commissioner for Workmen's Compensation [Deputy Commissioner of Labour-1], Chennai.

For Appellant : Mr. M. Krishnamoorothy

For Respondents : Not Ready in Notice

J U D G M E N T

Challenging the award passed in W.C. No.391 of 2005, on the file of the Commissioner for Workmen's Compensation [Deputy Commissioner of Labour-I], Chennai, the Insurance Company has filed the above Civil Miscellaneous Appeal.

2.1 The 1st respondent-claimant filed the Workmen Compensation Case in W.C. No.391 of 2005 claiming a total compensation of Rs.5,00,000/-.

2.2 The Deputy Commissioner of Labour-I, Chennai, by award dated 13.12.2006, awarded a sum of Rs.3,28,950/- as compensation for the injuries sustained by him. Challenging the said award, the Insurance Company has filed the above Civil Miscellaneous Appeal.

3. Mr. M.Krishnamoorothy, learned counsel appearing for the appellant submitted that after the filing of the Civil Miscellaneous Appeal, the 1st respondent-claimant withdrew the entire award amount deposited by the Insurance Company and after withdrawing the said amount, the 1st respondent refunded a sum of Rs.54,000/- by way of Demand draft dated 09.03.2007 drawn on State Bank of Patiala, Broadway Branch, Chennai - 600 108. The learned counsel appearing for the appellant further submitted that the said Demand Draft was forwarded to the Insurance Company and they have also realized the same.

4. From the above, it is clear that the 1st respondent had settled the dispute with the Insurance company and therefore, nothing survives for adjudication in this Civil Miscellaneous Appeal. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

The Commissioner for Workmen's Compensation
[Deputy Commissioner of Labour-1],
Chennai.

+1cc to Mr.M.Krishnamoorthy, Advocate SR.20754

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SVI (CO)
CB(30/09/2020)

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