



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

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THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P.(MD)No.526 of 2020

and

C.M.P.(MD)No.3352 of 2019

The Manager,
ICICI Lombard General Insurance Company Ltd.,
No.7,Laiyala Technical Institute,
A-A Road, Arapalayam,
Madurai,
Now having office at
2/5, Aparna Annexe Tower,
Bypass Road,
Madurai-625011.
Represented by its Legal Manager,
C.Uma Shankar.

... Petitioner/2nd Respondent
/2nd Respondent

vs.

1.M.Mariammal

..1st respondent/petitioner
/petitioner

2.S.Periyasamy

..2nd Respondent /1st respondent
/1st respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the order passed by the Employee's Compensation Commissioner Tribunal, Dindigul in I.A.No.56 of 2018 in E.C.No.(unnumbered) of 2018 dated 19.11.2019.

. For Petitioner: Mr.P.Pethu Rajesh
For R1 : Mr.N.Sudhagar Nagaraj

ORDER

The present Civil Revision Petition is preferred by the Insurance Company challenging the order passed in I.A.No.56 of 2018 in an unnumbered claim petition filed by the claimant before the Deputy Commissioner of Labour under Employees Compensation Act. Vide its order, the Tribunal has condoned the delay of 2680 days in preferring the claim petition. This is challenged by the Insurance Company in this petition.



2.Heard both sides.

3.The learned counsel for the Insurance Company submitted that the claimant did not reside in the address given and the Insurance Company contents that the entire claim is fraudulent. This apart, there is also a question of territorial jurisdiction involved in this matter.

4.So far as the contentions of the revision petitioner about the alleged fraud or territorial jurisdiction is concerned, that is one on merit and these issues are left open for the revision petitioner to challenge at the appropriate stage of the proceedings before the Commissioner. Further, the Employees Compensation Act is a beneficiary legislation and any delay in filing any claim petition must be viewed with certain decree of leniency. Having said that, the delay of 2680 days is huge and therefore, the Insurance Company, which also runs on public money should not be mulcted with a liability to pay interest in the eventuality of the claimants making out a case for obtaining compensation.

5.Hence, this petition is partially allowed and the order of the tribunal dated 19.11.2019 in I.A.No.56 of 2018 is confirmed with a modification that the claimants would not be entitled to any interest for the delay period on 2680 days in the eventuality of they succeeding in their claim petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/tsg-2

To

1.The Employee's Compensation Commissioner Tribunal,
Dindigul.

2.The Section Officer
V.R.Section, Madurai Bench of Madras High Court,
Madurai.(2 Copies)



+1 CC to M/s.P. PETHU RAJESH, Advocate (SR-19654[F] dated 09/10/2020)

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-19676[F] dated 09/10/2020)

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SMV (CO)

NR (02/11/2020) 3P : 6C