

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.4475 of 2015
and M.P.No.1 of 2015

Raja

...Petitioner

Vs.

1.Sundari

2.Govindaraj

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 24.07.2015 passed in I.A.No.100 of 2015 in W.C.No.186 of 2011 on the file of the Deputy Commissioner of Labour - I for Workmen Compensation, Chennai.

For Petitioner : Mr.R.Meenal

For Respondents : Mr.G.Chithambaram
for Mr.K.Varadhakamaraj

ORDER

The Civil Revision Petition is directed as against the order dated 24.07.2015 passed in I.A.No.100 of 2015 in W.C.No.186 of 2011 on the file

of the Deputy Commissioner of Labour - I for Workmen Compensation, Chennai, thereby dismissing the petition filed by the petitioner to reopen the evidence of the opposite side party and permit him to take fresh steps for summoning the Dean, Rajiv Gandhi Government General Hospital and to produce altered post mortem Certificate of Sathya @ Sakthivel.

2.The respondents are the claimants before the Deputy Commissioner of Labour-I for Workmens compensation, Chennai, for the death of their son on 10.07.2011.

3.The case of the respondents is that on 09.07.2011, on the instruction of the petitioner herein, he was doing mason work on the top of the 1st floor terrace, belongs to the petitioner herein. He fell down from the top of the building and due to which he sustained multiple fractures and head injury. Immediately he was admitted to Rajiv Gandhi Government General Hospital, Chennai, and unfortunately he died on 10.07.2011. As such the respondents filed claim petition demanding compensation for a sum of Rs.10 lakhs from the petitioner. While pending enquiry, the petitioner filed a petition to reopen their side evidence and to summon the Dean, Rajiv Gandhi Government General Hospital, Chennai, to produce the

corrected post mortem report.

4.On perusal of the records, the petitioner already filed a petition to summon the Dean, Rajiv Gandhi Government General Hospital, to produce the corrected post mortem report in I.A.No.87 of 2014 and the same was allowed. Thereafter on so many occasions, summons to the Dean has been sent, but he did not present before the Deputy Commissioner of Labour -I, Chennai, for giving evidence. Again the petitioner come forward with the present application with the same relief. In fact already the petitioner filed I.A.No.1609 of 2011, directed the Dean, to change the post mortem report and issue fresh post mortem certificate in respect of the post mortem conducted towards the deceased son of the respondents herein and the same was allowed. Even then, the Dean did not appeared before the Deputy Commissioner of Labour -I, Chennai. Therefore, the Court below dismissed the petition.

5.If the Dean, Rajiv Gandhi Government General Hospital, Chennai, failed to appear before the Court below for evidence, even after receipt of the summons, the Court below can very well take adverse inference for non appearance of the Dean, to decide the case.

6.In view of the above, this Court finds no infirmity of irregularity in the order of the Court below made on 24.07.2015 passed in I.A.No.100 of 2015 in W.C.No.186 of 2011 on the file of the Deputy Commissioner of Labour - I for Workmen Compensation, Chennai. Therefore, with the above observation, the Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

10.02.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To
The Deputy Commissioner of Labour - I for Workmen Compensation,
Chennai.

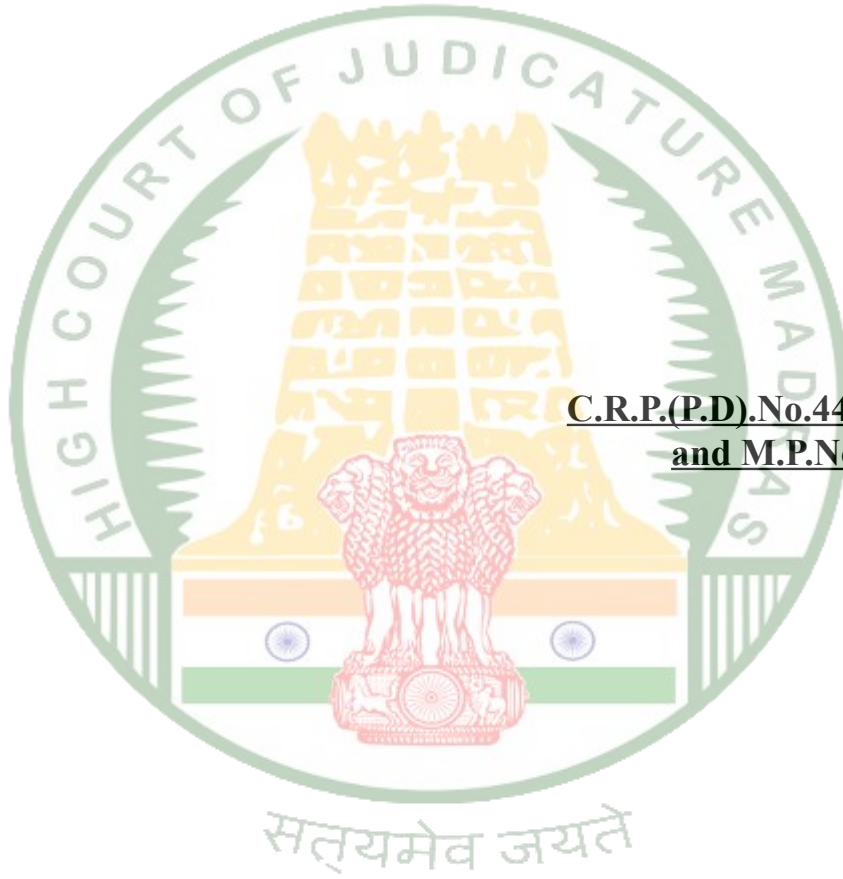
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