



WEB COPY



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM

THE HONOURABLE MR. JUSTICE **PARESH UPADHYAY**
and
THE HONOURABLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

C.M.P.No.19768 of 2021
in W.A. SR. No.105444 of 2021

1.K.Sobiya Kandeepan
2.K.Brinda
3.Mugil
4.K.Selvakumar

.. Petitioners

Vs.

1.The Management of IOL Ltd.,
(Now known as BOC (I) Ltd.,)
No.75, Vaidhiyanathan Street,
Tondiarpet, Chennai – 81
rep. By its Executive Secretary

2.The Presiding Officer,
Labour Court, Chennai.

3.G.Kandeepan (deceased)
4.K.Krishnaveni
5.R.Kalaiselvi
6.T.Nirmala
7.K.Muthukumaran
8.K.Sasikumar

.. Respondents

(Respondents 4 to 8 are brought on record
as LR's of the deceased second respondent
vide order dated 30.06.2021 made in
W.M.P.No.21631 of 2020 in W.P.No.16565
of 2004)



WEB COPY Petition filed under Section 151 C.P.C. to grant leave to file writ appeal against the order dated 20.07.2021 in W.P.No.16565 of 2004.

For Petitioners

.. Mr.K.Venkatesan

ORDER

(Made by PARESH UPADHYAY, J.)

This is a petition seeking leave of this Court to challenge the order of learned single Judge dated 20 July 2021 recorded on W.P.No.16565 of 2004.

2. Learned advocate for the petitioners has submitted that the present petition is by the second wife of the workman and her daughters and son. The workman was the contesting respondent in the writ petition filed by the management.

3. Learned single Judge adjudicated the dispute between the management and the workman and granted certain reliefs. Since during the pendency of the writ petition, the workman died, the



legal heirs had come on record and the benefits of the said order are directed to be paid to those legal heirs.

4. Leave is sought by the present petitioners to challenge the order of learned single Judge on the ground that the present petitioners are the second wife, daughters and son of the deceased workman.

5. Having heard the learned advocate for the petitioners and having considered nature of dispute which was the subject matter in the writ petition, we find that the present petitioners intend to challenge the order of learned single Judge where the contesting respondent would not be management but the legal heirs of the workman who would get benefit from the order of learned single Judge. Under the guise of examining the sustainability of the order of learned single Judge, the present petitioners cannot be permitted to seek declaration, as to who was the legally wedded wife. Even if the grievance of the petitioners is justified, challenging the order of learned single Judge is no answer to that grievance.



WEB COPY 6. Leave therefore is refused. This miscellaneous petition is rejected. W.A. SR. No.105444 of 2021 would not survive and it is disposed of accordingly. No costs.

(P.U.J.) (S.S.K.J.)
02.12.2021

Index:Yes/No
mmi/9

To

The Presiding Officer,
Labour Court, Chennai.



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**PARESH UPADHYAY, J.
and
SATHI KUMAR SUKUMARA KURUP, J.**

mmi

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