



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. (MD) No.1933 of 2012

WEB COPY

1. M.Jansi
- 2.M.Mareeswaran
- 3.M.Maheswari
- 4.Mariappan
- 5.Guruvuthai

... Petitioners/3rd Parties/
Legal Heirs of 2nd Respondent
-Vs-

M.Ganesan @ Ganesamoorthy ... Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order dated 30.10.2008 made in W.C.No.135 of 2005 on the file of the Deputy Commissioner of Labour, Madurai.

For Petitioners : Mr.Babu Rajendran
For Respondent : Mr.R.Aravindan

O R D E R

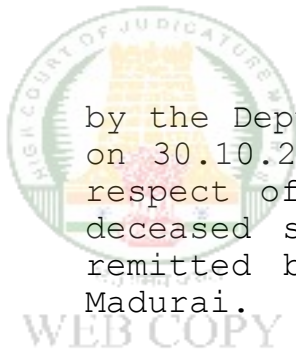
This Civil Revision Petition has been filed to set aside the award dated 30.10.2008 made in W.C.No.135 of 2005 on the file of the Deputy Commissioner of Labour, Madurai.

2.The learned counsel for the petitioners would submit that the authority has passed an ex-parte award on 30.10.2008 whereas the fact remains that the second respondent in W.C.No.135 of 2005 passed away as early as on 21.05.2008 and that as per Order 22 Rule 10-A C.P.C, whenever a pleader appearing for a party to the suit comes to know of the death of that party, he shall inform the Court about it and thereafter, the Court shall give notice of such death to the other party.

3. In this case, the death of the second respondent has not been brought to the notice of the Tribunal and thereby an award has been passed against the dead person and the present revision has been filed by the legal heirs of the deceased second respondent before therein.

4. The learned counsel for the petitioners would submit that the award has to be set aside and the matter may be remitted back to the Tribunal and the case has to be decided only after putting notice to the legal heirs of the deceased second respondent.

5. In this case, the second respondent in W.C.No.135 of 2005 namely, M.Marimuthu died on 21.05.2008 and the award has been passed



by the Deputy Commissioner of Labour, Madurai, in W.C.No.135 of 2005 on 30.10.2008. In view of the above, the order stands set aside in respect of the petitioners alone, who are the legal heirs of the deceased second respondent before the Tribunal and the matter is remitted back to the file of the Deputy Commissioner of Labour, Madurai.

6. The learned counsel for the respondent shall take steps to implead the legal heirs on record. The Deputy Commissioner of Labour, Madurai shall issue notice to the legal heirs of the deceased second respondent and thereafter complete the trial and pass order afresh, as expeditiously as possible, preferably, within a period of 4 months from the date of receipt of a copy of this order.

7. In fine, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Deputy Commissioner of Labour,
Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-28286[F]
dated 06/09/2021)

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GC(23.09.2021) 2P 3C