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Cont.P.No.1812 of 2022

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**S.M.SUBRAMANIAM, J.**

At the instance of the learned counsel appearing on behalf of the United India Insurance Company Limited, the Cont.P.No.1812 of 2022 has been listed under the caption 'for being mentioned'.

2. The learned counsel appearing on behalf of the second respondent made a submission that the quantum of compensation to be paid to the victims are already determined by the insurance company and accordingly in the case of late Mrs.Bhavani Shankar, a sum of Rs.16,17,850/- and in the case of late Mr.Mahendran. a sum of Rs.7,86,345/-. However, yet another petition filed by the victims before the Competent Authority under the Workmen Compensation Act and the said proceedings are kept in abeyance, on account of the pendency of the writ petition before the High Court.

3. Thus, the Insurance Company is not in a position to disburse the



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compensation which is to be apportioned. In view of the fact that this Court considered the issues and passed an order and the amount of compensation to be paid to the victims are also determined by the Insurance Company, driving the legal heirs at this length of time to the Workman Compensation Forum would result in extreme hardship to the victims and therefore Paragraph 5 of the order passed in Cont.P.No.1812 of 2022 is modified and accordingly, the following orders are passed:

4. In the case of deceased employee Mr.Bhavani Shankar, it is brought to the notice of this court that his wife and two children are the legal heirs. Therefore, the wife of the deceased employee is entitled for 60% of compensation to be calculated along with interest at the rate of 7% per annum from the date of accident till the date of realisation and the balance 40% is to be shared between the daughter and son (minor). In respect of minor son, 20% along with interest is to be deposited in any one of the nationalized bank in an interest bearing deposit, making the mother as a guardian, till the minor attains the age of majority.



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5. As far as, the deceased employee Mr.Mahendran is concerned, his wife alone is the legal heir and the compensation amount of Rs.7,86,345/- along with interest at the rate of 7% per annum from the date of accident is to be disbursed in favour of his wife. The above exercise is directed to be done by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

**02.12.2022**

rgm/mrn



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