



WEB COPY



C.R.P. No. 3837 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3837 of 2017

A.Radhakrishnan

... Petitioner

Versus

1. Kantha,
W/o. Late Natarajan

2. Smt. Brintha,
D/o. Late Natarajan

3. Smt. Nithya,
D/o. Late Natarajan

4. Nijathan,
S/o. Late Natarajan

5. Nisha,
D/o. Late Natarajan

6. The General Manager,
Southern Railways,
Central, Chennai.

7. Thiru K.Kumar,
S/o. Kuppusamy

... Respondents



C.R.P. No. 3837 of 2017

WEB COPY

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order dated 11.08.2017 passed in I.A. No. 34 of 2017 in W.C.No.164 of 2014 passed by the Commissioner for Workmen's Compensation/DCL-1, Chennai-6.

For Petitioner : Mr.G.Muthurasu

For Respondents : Mr.S.Vijayakumar for R1 to R5

Mr.P.T.Ramkumar for R6

R7 – no appearance

ORDER

The Revision Petitioner is the first opposite party in W.C. No.164 of 2014 filed by wife of deceased Natarajan for claiming compensation for the fatal accident of her husband during working hours.

2. The said claim petition was contested by the revision petitioner stating that one K.Kumar, is a person, who brought the deceased Natarajan and the deceased was not employed under him. So, he has filed an application to implead the said Kumar and the same was allowed by the



C.R.P. No. 3837 of 2017

learned Commissioner for Workmen's compensation. Simultaneously, he has filed an application in I.A.No.34 of 2017 to reopen the W.C. case and to recall and to cross-examine W.W.2 one Chinnavan. But, the said application was dismissed by the learned Commissioner. Against which, the present Civil Revision Petition has been filed.

3. At the time of argument, the learned counsel for revision petitioner submitted that the necessity arose for this petitioner to cross-examine W.W.2 is due to the impleading of K.Kumar, however, that impleading application was allowed, but the opportunity was not given to him to cross-examine W.W.2.

4. The learned counsel appearing for 6th respondent/Southern Railways submitted that already W.W.2 was cross-examined by the claimant and hence, there is no necessity for further recall and to cross-examine W.W.2.

5. Heard and considered rival submissions made by learned counsel for petitioner as well as respondents and perused the records.



C.R.P. No. 3837 of 2017

6. On seeing the facts, the claim petition is pending from the year of 2014, and due to pendency of this Civil Revision Petition, there is no progress in the case. When the impleading application was allowed, an opportunity should be given to the party, who wanted to cross-examine W.W.2. Therefore, the findings of the learned Commissioner is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the order passed in I.A.No.34 of 2017 by the learned Commissioner for Workmen's Compensation/DCL-1 is set aside. However, considering the pendency of the proceedings from the year of 2014, the learned Commissioner for Workmen's Compensation/DCL-1 is directed to dispose the case within a period of three months from the date of receipt of copy of this order. Both the parties are directed to co-operate with the learned Commissioner to complete the trial proceedings. No costs.

10.10.2022

rpp

To

The Commissioner for Workmen's
Compensation/DCL-1, Chennai

4/5



WEB COPY



C.R.P. No. 3837 of 2017

T.V.THAMILSELVI, J.

rpp

C.R.P.No. 3837 of 2017

10.10.2022