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C.M.A.No.2565 of 2009 And
W.P.No.27330 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**C.M.A.No.2565 of 2009
And
W.P.No.27330 of 2008
And
M.P.No.1 of 2008**

C.M.A.No.2565 of 2009:

Dhandapani

... Appellant

Vs.

1.Samikannu Konar
2.Krishnamoorthy

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order dated 22.11.2007 in W.C.No.270 of 2004 on the file of the Deputy Commissioner for Labour II, Madras (Camp at Cuddalore).

For Appellant : Mr.S.Kalyanaraman
For Respondents : M/s.B.N.Sivagamasundari for R1
Mr.K.Prabakar for R2

W.P.No.27330 of 2008:

I.Samikannu Konar

... Petitioner



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Vs.

1.The Commissioner for Workman Compensation /
Deputy Commissioner of Labour – II,
Chennai – 600 006.

2.T.Krishnamoorthy
3.A.Dhandapani

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order dated 22.11.2007 made in W.C.No.270 of 2004 on the file of the Commissioner for Workman Compensation / Deputy Commissioner of Labour – II, Chennai – 600 006 and quash the same.

For Petitioner : M/s.B.N.Sivagamasundari

For Respondents : Mr.S.Surya for R1
Additional Government Pleader
Mr.K.Prabakar for R2
Mr.S.Kalyanaraman for R3

COMMON JUDGMENT

The civil miscellaneous appeal as well as the writ petition have been filed challenging the order dated 22.11.2007 passed in W.C. No.270 of 2004 by the Commissioner for Workman Compensation/ Deputy Commissioner of Labour – II, Chennai.



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2.The appellant in C.M.A.No.2565 of 2009/ third respondent in W.P.No.27330 of 2008/ claimant had filed claim petition in W.C. No.270 of 2004 before the Commissioner for Workman Compensation/ Deputy Commissioner of Labour – II, Chennai, claiming compensation for the injuries sustained by him during the course of employment and the Deputy Commissioner of Labour – II vide order dated 22.11.2007 fixed a sum of Rs.1,24,502/- as compensation and directed the first respondent therein to deposit the compensation amount before the Court of Commissioner for Workmen Compensation/ Deputy Commissioner of Labour – II, Chennai, by way of demand draft, within a period of 30 days from the date of receipt of the order and also observed that in default of such deposit, simple interest at the rate of 12% from the date of the incident till the date of deposit will be recovered. Aggrieved by the same, the claimant has preferred C.M.A.No.2565 of 2009 and the first respondent in the claim petition has preferred W.P.No.27330 of 2008.

3.When the matter is taken up for consideration, the learned counsel appearing for the petitioner in the writ petition as well as the learned counsel appearing for the second respondent in the writ petition, submitted that during the pendency of the appeal and the writ



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petition, the matter was amicably settled inbetween the parties and the petitioner and the second respondent in the writ petition agreed to pay a sum of Rs.1,50,000/- each, to the third respondent in the writ petition/ claimant and the third respondent in the writ petition/ claimant agreed to receive the same. Accordingly, the petitioner in the writ petition as well as the second respondent in the writ petition paid a sum of Rs.1,50,000/- each, to the third respondent in the writ petition/ claimant.

4.Recording the submission made by the learned counsel appearing for the petitioner in the writ petition as well as the learned counsel appearing for the second respondent in the writ petition, the civil miscellaneous appeal and the writ petition are closed. No costs. Consequently, the connected miscellaneous petition is also closed.

08.11.2023

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No
To

1.The Commissioner for Workman Compensation /
Deputy Commissioner of Labour – II,
Chennai – 600 006.

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And
W.P.No.27330 of 2008
And
M.P.No.1 of 2008**

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