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Review Application No.80 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application No.80 of 2022

Selvambal

... Applicant /
Petitioner

Vs.

Durairaj

... Respondent

Prayer: Review Application filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code, to review the order of this Court made in C.M.A.No.103 of 2020 dated 11.02.2021.

For Applicant : Mr.S.Ravindran
For Mr.M.Elumalai

For Respondent : Mr.P.Vasanth

ORDER

The review application has been instituted to review the order passed by this Court on 11.02.2021 in C.M.A.No.103 of 2022.



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2. The learned Senior Counsel appearing on behalf of the review applicant mainly contented that certain vital documents establishing the case of the review applicant had not been presented either before the authority competent under the Workmen's Compensation Act, 1923 or before the High Court at the time of hearing of the civil miscellaneous application.

3. The learned Senior Counsel for the Applicant urged before this Court by stating that the review applicant is a workman and on account of the accident, even now, she is bedridden and incurring huge medical expenditure. Considering the plaint of the workman, the case is to be reviewed and the petitioner is ready and willing to establish her case, if an opportunity has been provided by remanding the matter back to the competent authority for fresh adjudication.

4. This Court passed an order on 11.02.2021 in CMA.No.103 of 2020 based on the findings of the competent authority under the Workmen's Compensation Act, 1923. The competent authority made a finding that there is no document to establish the injuries suffered by the applicant on account



of the accident. Therefore, in the absence of any such document, the authority under the Workmen's Compensation Act rejected the claim of the petitioner.

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5. Now the review applicant filed certain other documents to establish that a criminal case was registered against the respondent and a non-bailable warrant also has been issued. That apart, the respondents himself deposed during the cross examination that he was owning a tractor during the relevant point of time. There are contradictory statements and therefore, the said aspects are to be considered afresh by the authority competent.

6. The Workmen's Compensation is a welfare legislation. In the event of rejecting the application on the ground that there no evidences and subsequently, the workman is able to secure some evidences, such cases are to be necessarily reconsidered in the interest of justice. Workman need not be deprived of her right of compensation under the welfare legislation. Therefore, this Court is inclined to consider the review application filed by the applicant.

7. Accordingly, the order dated 11.02.2021 passed in C.M.A.No.103 of 2020 is recalled and the order dated 10.12.2018 passed in E.C.No.4 of 2017



(Old No.160 of 2010) passed by the Commissioner for Employees' Compensation, Vellore / Joint Commissioner of Labour, Vellore (formerly Commissioner for Workmen's Compensation-II, Chennai – 6 / Deputy Commissioner of Labour-II, Chennai is quashed and the matter is remanded back to the competent authority under the Workmen's Compensation Act, 1923 for fresh adjudication by considering the documents now presented by the review applicant and pass appropriate orders on merits and in accordance with law and by affording an opportunity to all the parties and the said exercise is directed to be completed within a period of one (1) week from the date of receipt of a copy of this order.

8. With the above directions, this Review Application stands allowed.

No costs.

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Index : Yes
Neutral Citation : Yes
Speaking order



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S.M.SUBRAMANIAM, J.

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