



C.M.A. No.715 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM :

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

C.M.A.No.715 of 2022

and

C.M.P.No.5165 of 2022

Kay Fashions
M/s.Kings Lifestyle
Partnership Firm
No.3, Gangadheeswarar Temple Street,
Purasaiwalkam,
Chennai – 600 084
Rep. by its Manager.

.. Appellant

Vs.

1.Manimegalai
2.Krishnaveni
3.Neelaveni
4.Thanusiya (Minor)
5.Kannan (Minor)
(Respondents 4 and 5 are minors and represented
by their Mother, the 1st respondent)
6.Sampoornam

.. Respondents



C.M.A. No.715 of 2022

Prayer: This Civil Miscellaneous Appeal is filed under Section 30 of the Employees Compensation Act, 1923, to set aside the order dated 29.12.2021 in E.C.No.52 of 2015 passed by the Joint Labour Commissioner-II.

For Appellant : Mr.S.Shivathanu Mohan
For M/s.S.Ramasubramaniam Associates
For Respondent
(For R1 to R5) : Mr.R.R.Pradheep
(R6) : Died

J U D G M E N T

The appellant has filed this appeal challenging the award of the Joint Labour Commissioner-II, Chennai, directing the appellant to pay a compensation of Rs.5,89,800/- to the respondents herein.

2. During the pendency of this appeal, the parties have arrived at a compromise and have entered into a Memorandum of Settlement dated 5th August 2023, which was signed by the appellant and by respondents 1 to 5 herein. As per the terms of the Memorandum of Settlement, the respondents 1 to 5 have agreed to receive a sum of Rs.8,00,000/- as full and final settlement of their claim. They had already received Rs.1,00,000/-. The balance amount



C.M.A. No.715 of 2022

payable to the respondents/claimants is Rs.7,00,000/-. Pending appeal, the appellant had already deposited Rs.11,07,060/- to the credit of E.C.No.52 of 2015 in the account of the Joint Commissioner of Labour-II, Chennai. The Memorandum of Settlement dated 05.08.2023 is recorded and shall form part and parcel of the record.

4. It is reported by the counsels on either side that the 6th respondent, who is the mother of the deceased is no more. The Legal heirs of the 6th respondent shall not be entitled to any share in the compensation and this Court holds so by virtue of the power conferred under Section 8(5) of the Employees Compensation Act. Hence, the compensation amount of Rs.7,00,000/- shall be paid to the respondents 1 to 5 to be shared equally among themselves.

5. The respondents 1 to 5 are permitted to withdraw the amount of Rs.7,00,000/- and the appellant is permitted to withdraw the amount of Rs.4,07,000/- with the accrued interest.



C.M.A. No.715 of 2022

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6. The Joint Labour Commissioner-II, Chennai, is directed to dispose of the application filed by the respondents 1 to 5 and the appellant for withdrawal of their share of the deposited amount as determined above within a period of three months from the date of receipt of their respective applications.

7. Accordingly, this Civil Miscellaneous Appeal is disposed of in terms of the Settlement. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1.The Joint Labour Commissioner-II,
Chennai.

2. The Section Officer
VR Section,
High Court, Madras.

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C.M.A. No.715 of 2022

SUNDER MOHAN, J

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C.M.A. No. 715 of 2022

11.08.2023