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C.R.P.Nos.2235 & 2238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MR.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.2235 & 2238 of 2023 &
C.M.P.Nos.13570 & 13600 of 2023

Abdul Sukkoor

... Petitioner in both C.R.Ps.

Vs.

1.Janakiraman

2.Thenmozhi

3.V.Anbu

4.The Thasildar,

Aambur Taluk,

Ambur.

5.The District Collector,

Thiruppathur collector Office,

Thiruppathur District.

... Respondents in both C.R.Ps.

COMMON PRAYER: Civil Revision PetitionS filed under Article 227 of Constitution of India against the common order dated 04.01.2023 passed in I.A.Nos.55 & 56 of 2022 in EC.No.255 of 2002 by the learned Workmen Compensation Commissioner/Joint Commissioner of Labour at Vellore.

For Petitioner : Mr.G.Ilamurugu

For Respondents 1 & 2 : Mrs. Elizabeth Ravi

For Respondents 4 & 5 : Mr.V.Jeevagiridharan, AGP



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COMMON ORDER

Challenging the the common order dated 04.01.2023 passed in I.A.Nos.55 & 56 of 2022 in EC.No.255 of 2002 by the learned Workmen Compensation Commissioner/Joint Commissioner of Labour at Vellore, the first respondent in EC filed the present revisions.

2. The petitioner faced the revenue recovery proceedings by virtue of order passed in EC.No.255 of 2002. Alleging that he was not served with any summons till 2022 in the claim petition and that, he had not engaged the third respondent as his contractor and that, he was not liable to pay award amount passed in EC.No.255 of 2002. The petitioner filed I.A.No.55 of 2022 to condone the delay in filing an application to set aside exparte decree and I.A.No. 56 of 2022 to set aside the exparte decree. However, the said interlocutory applications were rejected by the trial court on the ground that the petitioner did not appear for any of the hearings and that, he did not file any counter affidavit to E.C.No.255 of 2002. The trial court proceeded on the basis that though the petitioner was served with notice, he did not appear before the trial court and had belatedly filed I.As., after the award was passed



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under the Workmen Compensation Act with a delay of 7158 days stating the said reason. The trial court dismissed the applications. Aggrieved against the same, the present civil revision petitions have been filed.

3. Learned counsel for the petitioner submitted that no summons were served on the petitioner till 2022 in the claim petition and that he was put to shock and surprise, when he received the notice dated 07.04.2023 from the office of the District Collector, Thiruppathur to recover a sum of Rs.2,28,540/- under the Revenue Recovery Act, 1984 pursuant to the award passed EC.No.255 of 2002. The exparte decree was awarded against the petitioner in the said EC.No.255 of 2002 on 03.10.2002. The petitioner raised a ground that he never engaged the third respondent as his contractor to carry out the construction work of his house and that, he was not aware of any of the proceedings against him. Therefore, there was a delay in filing the interlocutory applications to condone the delay and to set aside the exparte decree. Therefore, the learned counsel for the petitioner submitted that the trial court did not take into consideration the submissions made by the petitioner before the trial court and had dismissed the applications. Hence, he seeks for setting aside the order passed in I.A.Nos.55 & 56 of 2022.



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4. Learned counsel for respondents 1 and 2 submits that the trial court has rightly dismissed the applications filed by the petitioner herein.

5. Heard the learned counsel for the petitioner and learned counsel for the respondents 1 and 2 and considered the materials placed on record.

6. In order to give one opportunity to the petitioner, these civil revision petitions are allowed with a condition that the petitioner to deposit the entire award amount of Rs.2,28,540/- to the credit of EC.No.255 of 2002 within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants are permitted to withdraw the amount by giving an affidavit of undertaking. The trial court is directed to dispose of EC.No.255 of 2002 on merits, within a period of three months thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

20.12.2023

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Index : Yes/No

Speaking order/Non-speaking order

Neutral Citations : Yes/No



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To
1.The Workmen Compensation Commissioner/Joint Commissioner of
Labour at Vellore



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T.V.THAMILSELVI,J.

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