



Rev.Aplc(MD)No.103 of 2010

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Rev.Aplc(MD)No.103 of 2010

in

C.M.A(MD)No.1453 of 2007

1.Arumugam

2.Sankarayee

... Petitioners/Appellants

Vs.

1.The Divisional Electrical Engineer,
Tamil Nadu Electricity Board,
Kattuparamakudi,
Paramakudi Taluk,
Ramanathapuram District.

2.The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Parthibanoor,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents/ Respondents

Prayer: Review Petition filed under Section 114 and 47 of Code of Civil Procedure, praying this Court to review the order in C.M.A(MD)No.1453 of 2007 by this Court dated 28.11.2008 by allowing this appeal and enhance the compensation amount as prayed for.



WEB COPY



Rev.Aplc(MD)No.103 of 2010

For Petitioners : Mr.K.Kumaravel

For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

The present review application has been filed by the appellants in C.M.A(MD)No.1453 of 2007 seeking to review the order, dated 28.11.2008.

2. The appellants as claimants have filed W.C.No.336 of 2004 before Deputy Commissioner of Labour, Madurai under Workmen's Compensation Act seeking compensation for the death of their son. The Deputy Commissioner of Labour had fixed the compensation at Rs.2,52,076/- (Rupees Two Lakh Fifty Two Thousand and Seventy Six only), after arriving at a finding that there is an employer-employee relationship between the claimants and the respondents in the claim petition.

3. Not being satisfied with the quantum of award, the claimants had filed C.M.A(MD)No.1453 of 2007. This Court while considering the appeal on merits, had not only dismissed the appeal, but has also set aside the order passed by the Commissioner of Workmen's



Rev.Aplc(MD)No.103 of 2010

Compensation Act thereby, completely dismissed the claim petition. In an appeal filed by the claimants for enhancement of compensation, this Court has erroneously dismissed the claim petition itself. Therefore, there is an error apparent on the face of the record.

4. Therefore, the Review Application stands allowed. The order dated 28.11.2008 made in C.M.A(MD)No.1453 of 2007 is hereby set aside and the same is restored to file.

17.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gbg

**Note : Registry is directed to list the appeal
for final hearing on 27.03.2023.**

To

- 1.The Divisional Electrical Engineer,
Tamil Nadu Electricity Board,
Kattuparamakudi,
Paramakudi Taluk,
Ramanathapuram District.
- 2.The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Parthibanoor,
Paramakudi Taluk, Ramanathapuram District.



WEB COPY



Rev.Aplc(MD)No.103 of 2010

R.VIJAYAKUMAR ,J.

gbg

Order made in
Rev.Aplc(MD)No.103 of 2010

Dated:
17.03.2023