



C.R.P(MD)No.522 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.522 of 2023

and

C.M.P(MD)No.2500 of 2023

Panderinathan

... Petitioner/Petitioner/
1st Respondent

Vs.

1.G.Maran

... Respondent/1st Respondent/
Petitioner

2.The Branch Manager,
The New India Assurance
Company Limited,
Nagapattinam.

... Respondent/2nd Respondent/
2nd Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Joint Commissioner of Labour / Commissioner of Employees Compensation Tribunal, Trichy to number the unnumbered I.A.No. of 2022 in E.C.No.40/2015 on his file and adjudicate the matter within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran



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ORDER

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The respondent in Employees Compensation Tribunal has filed the present revision petition seeking a direction to the said Tribunal to number the interlocutory application for setting aside the *ex parte* order.

2. The 1st respondent was shown as an employer in E.C.No.40 of 2015 and he had remained *ex parte*. An *ex parte* award was passed on 06.05.2019. The petitioner has filed an interlocutory application in December 2021 to set aside the said *ex parte* award. It is the allegation of the petitioner that the said application has not yet been numbered and kept pending.

3. Considering the above said facts, the learned Joint Commissioner of Labour / Commissioner of Employees Compensation Tribunal, Trichy is directed to number the interlocutory application and dispose of the same on merits and in accordance with law within a period of three (3) months from the date of receipt of a copy of this order.



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4. With the above said direction, the Civil Revision Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

01.03.2023

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

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Note : **Registry is directed to return the original plaint to the counsel for the petitioner.**

To

- 1.The Joint Commissioner of Labour /
Commissioner of Employees
Compensation Tribunal,
Trichy.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.522 of 2023

01.03.2023