



C.R.P(MD)No.2435 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2023

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.2435 of 2018

1.M.Kulandaivelu (Died)
Proprietor,
M/s.Kulandaivelu Oil Mill,
Singampunari,
Sivagangai District.

2.K.Banumathi

3.K.Muthuraman

4.Chithradevi

5.K.Kuberan

6.Gangadevi

7.K.Somaskandan

...Petitioner/Petitioner/
Petitioner

*(Petitioners 2 to 7 are brought on record
as LRS of the deceased sole petitioner
vide Court order dated 10.08.2023 made
in CMP(MD)No.9974 to 9976 of 2023 in
CRP(MD)No.2435 of 2018)*

Vs.

The Deputy Director,
Employees State Insurance Corporation,
Sub-Regional Office (Madurai),
Madurai - 20.

...Respondent/Respondent/
Respondent



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PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order, dated 01.08.2018 passed by the learned ESI Court (Labour Court) Madurai made in I.A.No.115 of 2017 in E.S.I.O.P.No.29 of 2005.

For Petitioner : Mr.Jayaramachandran

For Respondent : Mr.G.Murugan

ORDER

This civil revision petition has arisen against the dismissal order, passed in the delay condonation application by the Court below, vide order, dated 01.08.2018.

2. When the matter was taken up for hearing, the learned counsel for the respondent fairly submitted that he has no serious objections in allowing this civil revision petition.

3. This Court has also perused the records, it is only 54 days delay and the Court below did not believe the words of the petitioner as no medical records have been submitted.



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4. However, the learned counsel for the petitioners submits that at the time of filing the application for condonation of delay, the petitioner was aged about 67 years.

5. Therefore, considering the age of the petitioners and also having considered the submission of the learned counsel for the respondent, this Court is inclined to allow this civil revision petition.

6. In the result, this civil revision petition stands **allowed**. No costs.

11.08.2023

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

- 1.The ESI Court (Labour Court),
Madurai
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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