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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **R.VIJAYAKUMAR**

C.R.P.(MD)Nos.743 and 744 of 2014

A.Velumani

....Petitioner in both cases

Vs

1.Poongothai

2.Marimuthu

3.Muthukrishnan

4.Rajeswari

5.Nehru

...Respondents in both cases

COMMON PRAYERS: The Civil Revision Petitions have been filed under Article 227 of Constitution of India, to set aside the order made in I.A.Nos.87 and 88 of 2012 in W.C.No.163 of 2009 by the Commissioner, Employees Compensation Tribunal, Dindigul dated 17.12.2013.

For Petitioner

: Mr.A.Mohamed Haneef

For R1 to R4

: J.Barathan

(in both cases)



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COMMON ORDER

The present Revision Petitions have been filed challenging the order passed by the Commissioner, Employees Compensation Tribunal, Dindigul I.A.Nos.87 and 88 of 2012 in W.C.No.163 of 2009 dated 17.12.2013.

2.One R.Lakshmana Perumal @ Lakshmanan had filed W.C.No. 163 of 2009 claiming a sum of Rs.10,00,000/- as compensation. Pending the said proceedings, he had passed away on 21.05.2011. The wife and minor children of the deceased claimant had filed I.A.Nos.87 and 88 of 2012 in W.C.No.163 of 2009 to condone the delay in setting aside the abatement caused by the death of the deceased claimant and to implead them, as legal heirs in order to prosecute the claim petition. These two petitions have been allowed by the statutory authority. Challenging the same, the employer has filed these Revision Petitions.

3.According to the employer, he had denied the employer-employee relationship in the main application and he had also disputed the



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accident that is said to have been taken place on 21.11.2008. When there is a specific denial with regard to the employer-employee relationship, the applications ought not to have been allowed by the Commissioner, Employees Compensation Tribunal, Dindigul. It is further contended that the present applications filed after a period of 90 days are not maintainable.

4.Per contra, learned Counsel appearing for the claimants pointed out that the provisions of CPC are not applicable to the proceedings before the Commissioner, Employees Compensation Tribunal. However, only by way of abundant caution, these two applications have been filed before the statutory authority.

5.I have carefully considered the submissions made on either side.

6.It could be seen from the records that after the death of the workman (who had already sustained some grevous injury and had sought for compensation of Rs.10 lakh), the wife and minor children have filed



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applications to implead themselves as legal heirs. The Civil Procedure Code will not be applicable to the proceedings before the Employees Compensation Tribunal and therefore, there was no necessity for the legal heirs of the claimant to file a condone delay application to set aside abatement. However, by way of abundant caution, they have filed the same and the same has been allowed.

7. This Court does not find any reason to interfere in the order passed by the Commissioner, Employees Compensation Tribunal, Dindigul and hence, both Revision Petitions are dismissed. No costs.

11.08.2023

Index : Yes/No

Internet : Yes/No

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To

1. The Commissioner, Employees Compensation Tribunal, Dindigul.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,

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Madurai.

R.VIJAYAKUMAR, J.

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