



C.M.A(MD)No.477 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.477 of 2017

P.Vairavel Nadar ... Appellant/1st Respondent

Vs.

R.Marimuthu (Died) ... -----/1st Petitioner

1.M.Vijayarani ... Respondent/2nd Petitioner

2.Thavarajan

3.A.Thiagarajan ... Respondents/Respondents 2&3

PRAYER: Civil Miscellaneous Appeal is filed under Section 30 of Employee's Compensation Act 1923, against the order of the Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Madurai in W.C.No.2 of 2012 dated 10.02.2017.

For Appellant : Mr.S.Dheenadhayalan

For R1 : Mr.N.S.Karthikeyan

For R3 : Mr.K.G.Arunkumar



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JUDGEMENT

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The present appeal has been filed by the house owner challenging an award of the Workmen's Compensation Commissioner directing the house owner to pay a compensation of Rs.6,86,047/- towards the death of a Painter.

2. The appeal has been filed by the house owner after depositing the entire award amount. Pending appeal, the father of the deceased had passed away. The learned counsel appearing for the 1st respondent/claimant had pointed out that interest has not been paid by the house owner from the date of accident at the rate of 12% per annum. Thereafter, the house owner and the claimants have entered into a compromise and filed a compromise memo to the effect that the claimant has agreed to receive an additional sum of Rs.2,90,000/- towards interest. The said amount is received by the claimant towards full and final settlement for the accidental death of her son. The claimant is present in person and this Court has verified the compromise from her.

3. In view of the compromise arrived at between the parties, this civil miscellaneous appeal is disposed of on the following terms:

(i) The claimants have already withdrawn a sum of

Rs.6,80,047/- which was deposited by the house owner



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and the same shall not be recovered from the claimant.

(ii) The house owner/appellant is paying an additional sum of Rs.2,90,000/- by way of Demand Draft in D.D.No.799657, dated 05.04.2023 in the name of the claimant which is towards the full and final settlement of the claimant for the accidental death of the son of the claimant.

(iii) The 1st respondent in the appeal, namely the claimant will not be entitled to enforce the award, dated 10.02.2007 in W.C.No.2 of 2014 on the file of Workmen's Compensation Commissioner / Deputy Commissioner of Labour, Madurai.

4. The Civil Miscellaneous Appeal is disposed of on the above said terms. The demand draft has been handed over to the learned counsel appearing for the 1st respondent/claimant. No costs.

06.04.2023

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



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- To
- 1.The Workmen's Compensation Commissioner
cum Deputy Commissioner of Labour,
Madurai.
 - 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.M.A(MD)No.477 of 2017

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