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C.R.P.No.414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

C.R.P.No.414 of 2022
and C.M.P.No.2129 of 2022

1. R.Paulmani
2. P.Vimala

... Petitioners / Petitioners / Respondents No.1 & 2

-VS-

1. P.Periyasamy
2. A.Sowthiram

... Respondent / 1st Respondent / Petitioner

... Respondent / Respondent No.2 / Respondent No.3

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside Order dated December 16, 2021 passed in I.A.No.65 of 2018 in E.C.No.42 of 2016 on the file of the Commissioner for employees compensation appointed under Section 20 of the Employees Compensation Act, 1923 [Joint Commissioner (employees)]



C.R.P.No.414 of 2022

at Coimbatore.

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For Petitioners : Mr.K.Myilsamy

For Respondent 1 : Ms.Jayshree Dharbar

For Respondent 2 : No Appearance

ORDER

Aggrieved by the Order dated December 16, 2021 passed in I.A.No.65 of 2018 in E.C.No.42 of 2016 on the file of the Commissioner for Employees Compensation appointed under Section 20 of the Employees Compensation Act, 1923 [Joint Commissioner (Employees)] at Coimbatore, ['Commissioner' for short], the petitioner therein has filed this revision petition. The respondents herein filed an application in E.C.No.42 of 2016 seeking compensation to the tune of Rs.20,00,000/- with interest at the rate of 12% per annum from the date of petition till the date of realization.

2. Hereinafter the parties will be referred to as per their array in E.C.No.42 of 2016.

2/7



C.R.P.No.414 of 2022

WEB COPY

3. The case of the petitioner is that he was working as machine operator in the Respondent factory namely Siva Sakthi Agencies from the year prior to the date of accident i.e. August 22, 2014. On August 22 2014 at 2.30 p.m while working in Siva Sakthi Agencies, the petitioner met with an accident, suffered grievous crush injury. Immediately, he was taken by his co-worker to S.K.Hospital, Erode where he underwent treatment as inpatient from August 22, 2014 to September 05, 2014 and again from September 15, 2014 to September 18, 2014. In the accident the petitioner has sustained major crush injury to his right hand, resulting in the Traumatic amputation of all fingers up to middle of the metacarpal bones, for which he underwent plastic surgery. According to the petitioner, the accident happened during the course of employment. The petitioner sought a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) as compensation from the Respondent and filed E.C.No.42 of 2016 before the Commissioner.

4. During the pendency of the E.C.No.42 of 2016, the revision petitioners who are arrayed as Respondent nos.1 and 2, filed an I.A.No.65



C.R.P.No.414 of 2022

of 2018 stating that they are not owners of Siva Sakthi Agencies and the Respondent Nos.1 and 2 are not necessary parties to the proceedings, accordingly they prayed to delete their names from the petition.

5. The petitioner filed a counter stating that the Respondents had appointed the petitioner to work as a machine operator in the factory. In the FIR, it has been stated that the Respondents are the owners of the Siva Sakthi Agencies. However, in the registration certificate the third respondent has been shown as Proprietor of the factory. The third respondent is none other than the 1st respondent wife's mother and second respondent's mother. The Commissioner observed that the second respondent is running the Siva Sakthi Agencies with the involvement of first respondent. In the FIR the respondent nos.1 and 2 have been shown as owners, accordingly dismissed the petition.

6. Aggrieved by this Order the respondent nos.1 and 2 filed this revision petition. The Learned counsel for the Respondents would argue that the respondent nos.1 and 2 are not the owner of the Siva Sakthi



Agencies, the Respondent No.3 is the sole owner of the Siva Sakthi Agencies. Hence, the Respondent Nos.1 and 2 are not necessary to decide the petition and they are unnecessary parties to the proceedings and accordingly, learned counsel prays to allow this revision petition.

7. Ms.Jayshree Dharbar, learned counsel appearing for the petitioner would argued that the 3rd respondent is the Proprietor of the factory, the first respondent is son-in-law and the second respondent is daughter of the respondent no.3. However, the day-to-day affairs of the M/s.Siva Sakthi Agencies are being managed by all the respondents. Hence, they are also necessary parties of the proceedings.

8. This Court has considered both sides' arguments. The FIR has been registered against the respondent nos.1 and 2. The applicant filed E.C.No.42 of 2016 in the year 2016 and which has been pending for the past 8 years, in these circumstances this Court is of the considered view that the Respondents No.1 and 2 are necessary to decide the O.P. This Court does not finds any infirmity or illegality of the Order passed by the



C.R.P.No.414 of 2022

Commissioner.

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9. Accordingly, this Civil Revision Petition is dismissed. Considering the age of the E.C.No.42 of 2016, this Court directs the 'Commissioner' to dispose of the same as early as possible preferably within a period of *four months* from the date of receipt of a copy of this Order. Considering the nature of the case, there shall be no Order as to costs. Consequently, the connected civil miscellaneous petition is closed.

26.11.2024

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Index : Yes

Internet : Yes

Neutral Citation: Yes

To

The Workman Commissioner,
The Deputy Commissioner of Labour,
Coimbatore.



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C.R.P.No.414 of 2022

R.SAKTHIVEL,J

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