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C.R.P. (PD) No.3489 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P. (PD) No.3489 of 2024
and C.M.P.No.18897 of 2024**

The Branch Manager
M/s United India Insurance Company Limited
No.280, Ooty Main Road
Mettupalayam – 641 301.

... Petitioner

Vs.

1.P.Subbulakshmi
2.P.Velraj
3.R.Anbarasi
4.P.Shanthi

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the order made in I.A.No.24 of 2023 dated 09.02.2024 in E.C.No.Nil of 2023 on the file of the Commissioner of Workmens Compensation, Joint Commissioner (I/c), Coimbatore.

For the Petitioner : Mr.M.B.Raghavan

ORDER

This Civil Revision Petition is at the instance of the Insurance Company.



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2. An application was filed in I.A.No.24 of 2023 to condone the delay of 2577 days in presenting the claim petition.

3. It is the case of the claimants that the husband of the 1st respondent and the father of the respondents 2 and 3 had passed away, due to an accident on 02.04.2014. They filed an application to condone the delay, pleading that they are illiterates and had to get documents from Andhra Pradesh, where the accident took place, before presenting the claim petition. This application was stiffly opposed by the Civil Revision Petitioner.

4. The learned Workmens Compensation Tribunal cum Joint Commissioner, Coimbatore, took a liberal approach and condoned the delay in order to do substantial justice between the parties.

5. Mr.M.B.Raghavan would submit that on account of the delay, the Insurance Company would have to pay the compensation along with an enhanced rate of interest than under the Motor Vehicles Act.

6. The said issue can be agitated by the Insurance Company, at the time of trial. It is the discretion of the Workmens Compensation Commissioner to



decide on the interest that the claimants are entitled to receive.

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7. Suffice it to say that for the purpose of condonation of delay, the Joint Commissioner had applied the correct principle of law. This is especially so as this is a case of death and not one of injury. As sufficient cause has been shown by the parties to the satisfaction of the Trial authority, I am not inclined to revise the same.

8. In *N.Balakrishnan Vs. M.Krishnamurthy* ((1998) 7 SCC 123) it has held where discretion has been exercised by the Trial Court, condoning the delay, unless and until the same is arbitrary or capricious, it should not be interfered with in the revision.

9. It is not in dispute that the claimants are illiterate and the accident took place in Andhra Pradesh. The Country was also suffering from Covid – 19 pandemic from 15.02.2020 to 30.04.2022. If the said period is excluded, the delay does not loom large. The overall consideration under the Workmens Compensation Act is to benefit the dependants of the deceased. That aspect having been considered by the learned Commissioner of Workmens Compensation, Joint Commissioner (I/c), Coimbatore, I am not inclined to interfere with the order made in I.A.No.24 of 2023 dated 09.02.2024 in



E.C.No.Nil of 2023.

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10. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

02.09.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No

To

The Commissioner of Workmens Compensation
Joint Commissioner (I/c), Coimbatore.



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V.LAKSHMINARAYANAN, J.,
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