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Rev. Appl. No.74 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Rev.Appl. No.74 of 2022

1.E.S.I. Corporation,
represented by its Regional Director
No.143, Sterling Road,
Chennai - 600 034.

2.Assistant Director,
E.S.I. Corporation,
No.143, Sterling Road,
Chennai - 600 034.

.. Applicants

Vs.

Hotel Picnic Plaza,
represented by its Partner
Devendra Gupta

.. Respondent

Prayer: Review Application filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code to review the petition as against the judgment and decree dated 11.03.2019 made in C.M.A. No.181 of 2019 on the file of this Court.

For Applicants : Mr.T.N.C.Kaushik

For Respondent : Mr.Vishnu Ramu

JUDGMENT



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This Court, by its order dated 11.03.2019 in C.M.A. No.181 of 2019 and C.M.P. No.871 of 2019, while dismissing the appeal, namely, C.M.A. No.181 of 2019, filed by the E.S.I. Corporation, had imposed costs of Rs.1,00,000/- on the E.S.I. Corporation for preferring such a frivolous appeal in C.M.A. No.181 of 2019.

2.This Review Application has been filed to review the order dated 11.03.2019 passed by this Court in C.M.A. No.181 of 2019 and C.M.P. No.871 of 2019, wherein this Court had imposed costs of Rs.1,00,000/- on the E.S.I. Corporation.

3.Learned counsel for the E.S.I. Corporation/applicants would fairly submit that E.S.I. Corporation has not challenged the final order of this Court dated 11.03.2019 passed in C.M.A. No.181 of 2019 and C.M.P. No.871 of 2019, on merits. He would submit that E.S.I. Corporation/applicants is aggrieved only by the imposition of costs of Rs.1,00,000/- on them by this Court, while dismissing C.M.A. No.181 of 2019. The Review Application was filed in the year 2022.

4.Learned counsel for the respondent has stated no objection for



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allowing this application.

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5.This Court has perused and examined the reasons contained in the affidavit filed in support of this Application and is of the considered view that sufficient cause and reasons have been given by the applicants for allowing this application. There was no necessity for this Court to impose such a huge costs on the applicants. While dismissing the appeal on merits, this Court had imposed huge costs of Rs.1,00,000/- on the applicants on the ground that a frivolous appeal was filed. The claim amount itself was Rs.19,305/-, which is passed under Section 45-A of the Employees State Insurance Act.

6.While that be so, the imposition of costs of Rs.1,00,000/- on the Review Applicants ought not to have been passed. After recording no objection given by the respondent for allowing this application as well as after giving due consideration to the reasons contained in the affidavit filed in support of this application, this Court is of the considered view that necessarily, this application has to be allowed as prayed for.



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ABDUL QUDDHOSE, J.

vga

7. Accordingly, this Review Application is allowed as prayed for by waiving the costs of Rs.1,00,000/- imposed on the applicants under this Court's order dated 11.03.2019 passed in C.M.A. No.181 of 2019 and C.M.P. No.871 of 2019.

15.07.2024

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To

1. The Employees Insurance Court,
Principal Labour Court, Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.

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