



C.M.P.No.15731 of 2022 & Rev.A.SR.No.83460 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

C.M.P.No.15731 of 2022
&
Rev.A.SR.No.83460 of 2022

United India Insurance Company Ltd.,
No.134, Greams Road,
Chennai - 600 006.

...Petitioner/Applicant

Vs.

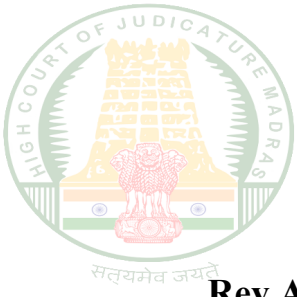
1. V.Murali,
S/o Venu,
No.15, Chinna Kulandai Street,
Varadarajapuram,
Pudupettai,
Chennai - 600 002.

2. Mrs.P.Kumaresan K.V.Haridarsini,
S/o Balaraman,
No.35/17, Vedgagiri street,
Chinthatharipet,
Chennai - 600 002.

...Respondents/Respondents

C.M.P.No.15731 of 2022

Civil Miscellaneous Petition filed under Section 5 of Limitation Act
to condone the delay of 12 days in filing the review application.



C.M.P.No.15731 of 2022 & Rev.A.SR.No.83460 of 2022

Rev.Application SR.No.83460 of 2022

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Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C. to review the order passed in CMA.No.2629/2014 dated 08.06.2022.

For Petitioner/Appellant : Mr.C.Paranthaman

ORDER

The above Civil Miscellaneous Petition has been filed to condone the delay of 12 days in filing the review application. The Review Application has been filed to review the order passed in C.M.A.No.2629/2014 dated 08.06.2022.

2. The Labour Court, in W.C.No.414/2012, awarded a sum of Rs.3,79,301/- as compensation and directed the Insurance Company to pay the compensation along with 12% interest per annum. This Court, in the above CMA, enhanced the compensation and directed the Insurance Company to pay a sum of Rs.4,72,944/- with interest at the rate of 9% p.a. instead of 12% p.a. as ordered by the Labour Court.

3. The Insurance Company has filed the review petition stating that the policy coverage to B.Kumaresan (auto owner) is a Personal Accident



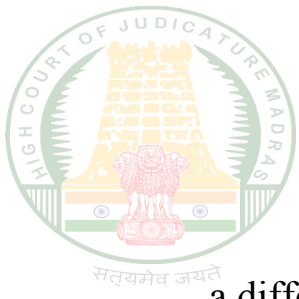
C.M.P.No.15731 of 2022 & Rev.A.SR.No.83460 of 2022

WEB COPY

Coverage and there was no policy coverage to the auto bearing Reg.No.TN-01-AQ-1674 or to the Driver. It is seen from the records that before the Labour Court, only Vakalat has been filed on behalf of the Insurance Company and no counter was filed and none appeared on behalf of them. The above averment, as regards the policy coverage, has not been pleaded before the Labour Court by filing counter and also not pleaded in the CMA. Therefore, this Court is not inclined to entertain the review petition.

4. At this juncture, it is relevant to refer to the decision of this Court reported in **2018 (3) CTC 122 [D.Rajappa and another Vs. State of Tamil Nadu, rep. By its Secretary to Government, Housing and Urban Development Department, Secretariat, Fort St.George, Chennai-9]** wherein it is held that differing view disturbing the finality of judgment is not permissible in review.

5. In the case on hand, there is no error apparent on the face of record to review the order passed by this Court in the said Civil Miscellaneous Appeal. The review Court cannot entertain the arguments touching the merits and demerits of the case and cannot take



C.M.P.No.15731 of 2022 & Rev.A.SR.No.83460 of 2022

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a different view disturbing the finality of the order.

6. In such view of the matter, this Court is not inclined to review the order dated 08.06.2022 passed by this Court. Accordingly, the condone delay petition in C.M.P.No.15731 of 2022 is dismissed. Consequently, Review Application in Rev.A.SR.No.83460 of 2022 is rejected at the SR stage itself. No costs.

Index : Yes / No
Internet : Yes
vsi

28.01.2025

To

The Deputy Commissioner of Labour-II, Chennai.



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C.M.P.No.15731 of 2022 & Rev.A.SR.No.83460 of 2022

J. NISHA BANU, J.

vsi

C.M.P.No.15731 of 2022
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Rev.A.SR.No.83460 of 2022

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