



WEB COPY



CRP.No.5117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5117 of 2025 and

CMP.No25792 of 2025

The Branch Manager
M/s. National Insurance Company Limited,
No.66, Greams Road,Thousand Lights,
Chennai 600006

... Petitioner

Vs.

1.B.Kavitha
2. Minor B.Sharvesh
Rep by her mother and natural guardian B.Kavitha

3. Thirumathi.Jeeva

4. Vasantha Subramaniam Hospital Pvt.Ltd.
Rep by its Director, Thiru Muthu Subramaniam,
V.S Hospital, No.13, East Spurtank Road,
Chetpet, Chennai 600 081

5. Thiru.R.Mani

6. M/s AJ Associates
No 17/46 ,17/1 School Road,
Jaganathapuram, Chetpet, Chennai 600 031

...Respondents



CRP.No.5117 of 2023

WEB C

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the fair and decreetal order allowing the Petitioner/Proposed party as the IV Opposite Party, dated 28.05.2025 and the Erratum Order dated 12.08.2025 passed by the learned Commissioner for Employees Compensation(Joint Commissioner of Labour-I) at Chennai in IA.No.46 of 2024 in EC.No.5 of 2023.

For Petitioner

: Mr.J.Michael Visuvasam

ORDER

The Civil Revision Petition is filed challenging the order passed by the learned Commissioner of Labour-I, Chennai, allowing the application filed by respondents 1 to 3 seeking compensation for the death of one Bala Shankar, husband of the 1st Respondent, father of the 2nd respondent and son of the 3rd respondent.

2. Though the claim petition was filed by the respondents 1 to 3 originally against the 6th Respondent employer alone, later the petitioner/ Insurance Company was sought to be impleaded on the ground that the 6th respondent had taken the insurance policy with the petitioner covering liability



under Workmen Compensation Act.

3. The petitioner/ Insurance Company filed a counter affidavit denying the claim of the respondents 1 to 3 that the deceased Balashankar was an employee of 6th respondent at the relevant point of time. It was also stated that the contract of insurance does not cover the employees of the contractor engaged by the 6th respondent. The learned counsel for the petitioner submitted that the counter filed by the petitioner has not been considered by the Labour Commissioner. Therefore, the impugned order is liable to be set aside.

4. It is seen from the typed set of papers that the 6th respondent, employer had taken the insurance policy with the petitioner at the relevant point of time. Therefore, *prima facie* this Court feels that impleading of the petitioner/insurance company is not suffering from any material irregularity. Whether the deceased was a direct employee of the 6th respondent or employee of the independent contractor is a matter for evidence. At this stage of impleading application, this Court cannot go into the question. Hence, I do not find any material irregularity or illegality in the order passed by the Labour Commissioner. Accordingly, the Civil Revision Petition stands dismissed.



CRP.No.5117 of 2025

WEB COPY

5. It is open to the petitioner to raise all his defences in the main counter to be filed before the Labour Commissioner. Consequently, the connected miscellaneous petition is closed. No costs.

27.10.2025

Index : Yes / No
Internet : Yes / No
nr

To
The Commissioner for Employees Compensation
(Joint Commissioner of Labour-I) at Chennai.

S.SOUNTHAR, J.

4/5



WEB COPY



CRP.No.5117 of 2025

nr

CRP.No.5117 of 2025 and

CMP.No.25792 of 2025

27.10.2025