



WEB COPY

CRP No. 2362 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

C.R.P No. 2362 of 2024

M/s.Mano Traders
Rep. by its Proprietor, Mr.Manoharan,
Chandrapuram, Sultanpet, Coimbatore-641 669.

..Petitioner(s)

Vs

1. N.Poongothai
W/o. P.Nanjuran, No. 588 Killiyanur,
Anumandpuram, Needamangalam, Tiruvarur District.
2. P.Nanjuran
S/o. Pottukannu, No. 588 Killiyanur,
Anumandpuram, Needamangalam, Tiruvarur District.
3. S.Kannan
Proprietor of Kannan Welding Works Fabrication,
Gopalpatti, Natham Taluk, Dindugal District.
4. P.Sampath Kumar
No. 3/165, Karanmapettai, Kangeyampalyam,
Palladam Road, Sulur, Coimbatore.
5. The New India Assurance Company Ltd
No. 594, Opplic Towers, D.P.Road, Opp to Savitha
Hotel Bus Stand, R.S.Puram, Coimbatore-641 002.

..Respondent(s)



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PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed in I.A. No. 52 of 2023 in E.C. No. 3 of 2020 on the file of the Employees Compensation Commissioner/ Labour Joint Commissioner, Coimbatore, dated 05.03.2024 and allow this revision.

For Petitioner(s): Mr. B. Gopalakrishnan

For Respondent(s): Mr. S. Saravanan
for R1 and R2

Mr. C. Johnson for R5

R4 – No appearance

R3 – Not ready notice

ORDER

The present Civil Revision Petition has been filed to set aside the order passed in I.A. No. 52 of 2023 in E.C. No. 3 of 2020 on the file of the Employees Compensation Commissioner/ Labour Joint Commissioner, Coimbatore, dated 05.03.2024 and to allow this revision.

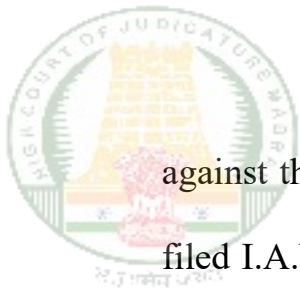


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2. The learned counsel for the petitioner submitted that the petitioner is the first respondent in E.C.No.3 of 2020. The deceased, Senthamizhan was engaged by the 3rd respondent to complete a fabrication job of slabs and was paid wages to his workers. The petitioner identified the crane operator to provide support services to the 3rd respondent, but, the petitioner did not have any supervisor control over the crane operator. In fact, the said Senthamizhan is an employee of the 3rd respondent, who was subsequently, engaged by the petitioner and on 17.02.2019, while the petitioner was not on site, an accident occurred due to carelessness of the crane operator, resulting in death. After the death, the parents of the said Senthamizhan, who are the legal heirs of the deceased, have filed a claim petition in E.C.No.3 of 2020 on the file of the Deputy Commissioner of Labour under Section 22(7) of the Employees' Compensation Act, 1923. Although the petitioner received notice, he believed the crane was insured with the 4th respondent insurance company and that there was no liability, so he did not appear before the Labour Court.

3. However, in the absence of the insurance police and since the accident took place at the petitioner's site, the Labour Court fastened the entire liability



against the petitioner vide order dated 20.04.2023. Subsequently, the petitioner filed I.A.No.52 of 2023 to set aside the *ex parte* order. However, the same was dismissed on the grounds that it was not an *ex parte* order, but rather an order on merits, making the filing of an Interlocutory Application unsustainable. Challenging the same, the present Civil Revision Petition has been filed.

4. The learned counsel for the petitioner submitted that although notice was received by the petitioner, he was unable to approach counsel to conduct the case before the Labour Court. Consequently, the petitioner filed an application to set aside the *ex parte* order, which was subsequently dismissed. Hence, he prayed for appropriate orders.

5. Upon perusal of the entire records, it is seen that while entertaining the Civil Revision Petition, this Court granted an interim stay on the condition that the petitioner deposit a sum of Rs.4,54,280/- to the credit of E.C.No.3 of 2020. However, the said conditional order was not complied with and the stay order was therefore vacated by this Court. It is further seen that there is no valid insurance between the 3rd respondent and the 5th respondent.



6. Admittedly, the accident took place at the petitioner's site and after analysing the entire evidence, the Labour Court passed as Award as against the petitioner. If at all the petitioner is aggrieved by the Award, he has to prefer an appeal. Filing an Interlocutory Application to set aside the Award passed is not sustainable. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

12-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Asi

To

1. N.Poongothai
W/o. P.Nanjuran, No. 588 Killiyanur,
Anumandpuram, Needamangalam, Tiruvarur
District.
2. P.Nanjuran
S/o. Pottukannu, No. 588 Killiyanur,
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3. S.Kannan
Proprietor of Kannan Welding Works
Fabrication, Gopalpatti, Natham Taluk, Dindugal
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M.DHANDAPANI, J.

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