

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

: PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

IA No. 1 OF 2022

IN

CMA NO: 332 OF 2022

Between:

The National Insurance Company Ltd, Kadapa Branch, Rep by its Divisional Manager, Ananthapuram.

...Petitioner/s

(Petitioner in CMA 332 OF 2022
on the file of High Court)

AND

1. Smt. R.Anju, W/o. Late S. Ramesh, Aged 32 Years, Residing at 2420, 16th Cross, Sanjeeva Nagar, Saharaka Nagar Poast, Bangalore , Karnataka State Now Residing at D.No..8/104, Gulzarpet, Ananthapuramu.
2. Kum. R. Ruchitha, D/o. Late S. Ramesh, Aged 11 Years, minor Represented by her mother (1st Respondent) Residing at 2420, 16th Cross, Sanjeeva Nagar, Saharaka Nagar Poast, Bangalore , Karnataka State Now Residing at D.No..8/104, Gulzarpet, Ananthapuramu.
3. Kum. R. Bhumika, D/o. Late S. Ramesh, Aged 10 Years, minor Represented by her mother (1st Respondent) Residing at 2420, 16th Cross, Sanjeeva Nagar, Saharaka Nagar Poast, Bangalore, Karnataka State Now Residing at D.No..8/104, Gulzarpet, Ananthapuramu.
4. Kum. R. Veda, D/o. Late S. Ramesh, Aged 06 Years, minor Represented by his mother (1st Respondent) Residing at 2420, 16th Cross, Sanjeeva Nagar, Saharaka Nagar Poast, Bangalore , Karnataka State Now Residing at D.No..8/104, Gulzarpet, Ananthapuramu.
5. Bhoomikareddy Venkata Subba Reddy, S/o. B. Venkata Reddy, D.No. 1-47-B, Thelluru (V), Thummalapalli, Thondur (M), YSR Kadapa (District).

...Respondents

(Respondents in-do-)

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of (116) days in filing the above C.M.A. in E.C.No. 03/2020, dated 31-12-2021 on the file of Commissioner for Employees Compensation and Assistant Commissioner of Labour, Dharmavaram, pending disposal of CMA No.332 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI MUTEVI MURALIKRISHNA Advocate for the Appellant, the Court made the following

ORDER:

"For the reasons stated in the accompanying affidavit filed in support of the application, delay 116 days in filing the C.M.A. is condoned and the respondents has not raised any objection for condoning delay.

The present appeal filed against the order of the Commissioner Workmen's Compensation Act, wherein the appellant(s) who is the opposite party member was directed to the deposit amount of Rs.8,52,712/- (Rupees Eight Lakhs Fifty Two Thousand Seven Hundred and twelve) with interest of 12 % per annum and the insurance company has preferred the appeal on the ground that the deceased was not died due to the accident and his death is a natural death.

Learned counsel for the respondent/claimants would submit that death is caused during the course of the employment and it is not natural death, it was happened to stress and strain. To resolve the dispute, hearing is required.

In view of the same, there shall be interim direction that the Commissioner shall release 50% of the deposited amount in favour of the claimants without furnishing any security".

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR

DB

//TRUE COPY//

For, SECTION OFFICER

To,

1. The Commissioner for Employees Compensation and Assistant Commissioner of Labour, Dharmavaram
2. Smt. R.Anju, W/o. Late S. Ramesh, Aged 32 Years, Residing at 2420, 16th Cross, Sanjeeva Nagar, Saharaka Nagar Poast, Bangalore , Karnataka State Now Residing at D.No..8/104, Gulzarpet, Ananthapuramu. (For herself and on behalf of Respondent Nos.2 to 4 being minors) (By RPAD)
3. One CC to SRI MUTEVI MURALIKRISHNA Advocate [OPUC]
4. One spare copy

HIGH COURT

TRRJ

DATED:05/12/2022

ORDER

IA.NO.1 OF 2022
IN
CMA.No.332 of 2022

INTERIM DIRECTION

20 DEC 2022