

(2018) 04 DEL CK 0015
In the Delhi High Court
Case No : W.P. (C) 3153 Of 2018

Aveena Milk Products Pvt. Ltd

APPELLANT

Vs

Commissioner Employees Compensation And Ors

RESPONDENT

Date of Decision : 03-04-2018

Acts Referred:

Citation : (2018) 04 DEL CK 0015

Hon'ble Judges : VINOD GOEL

Bench : Single Bench

Advocate : Mr.Anup Trehan, Mr.Akarsh Bhalla, Ms.Palak Rohmetra, Ms.Avnish Ahlawat, Mr.R.K. Nain

Final Decision : Disposed Of

Judgement

CAV 248/2018

Shri R.K.Nain, Advocate appears for respondent No.2/victim and as such the caveat is discharged.

CM APPL. 12524/2018 (Exemption)

Exemptions granted subject to all just exceptions.The application stands disposed of.

CM APPL. 12523/2018 (Stay)

This application is not pressed at this stage as learned counsel for the petitioner submits that he would be filing stay application before the

Commissioner, Employee's Compensation.

Application is dismissed as withdrawn.

W.P.(C) 3153/2018

1.Respondent No.2/victim having suffered injuries during the course of the

employment with the petitioner had filed a petition for compensation before the Commissioner, Employee's Compensation (in short "CEC"). The petition was allowed by ex-parte order dated 23.11.2017 against the petitioner. A sum of Rs.10,62,576/- as compensation was awarded with interest to respondent No.2 against the petitioner. Additionally, a sum of Rs.2,80,901/- was granted for medical expenses. The petitioner filed an application under Order 9 Rule 13 CPC for setting aside the ex-parte order dated 23.11.2017 before the CEC vide diary No.6551 on 26.12.2017. The original acknowledgment is on the record. Learned counsel for respondent No.2/victim has no objection in case the application is decided by the CEC in accordance with law.

2.In the circumstances, the CEC, Labour Department (South), Govt. of NCT of Delhi, is directed to decide the application filed by the petitioner on 26.12.2017 under Order 9 Rule 13 CPC in accordance with law within 15 days from today.

3.Parties shall appear before the CEC, Labour Department (South), Govt. of NCT of Delhi, Pushp Bhawan, Pushp Vihar on 06.04.2018 at 11:00 AM.

4.Writ petition is disposed of accordingly.

5.Copy of the order be given dasti to learned counsel for the parties under signatures of the Court Master.