

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

C.M.A. No.244 of 1997

JUDGMENT:

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This appeal is presented against the order, dated 25.09.1995, passed by the Commissioner for Workmen's Compensation-cum-Assistant Commissioner of Labour, Nizamabad in W.C.No.928 of 1994.

The W.C. was filed by the first respondent claiming compensation on account of the injuries suffered by him in the course of employment upon a lorry bearing No. APT 6811, owned by the second respondent and insured with the appellant. Through the order under appeal, a sum of Rs.1,09,975/- was awarded as compensation.

The appeal was presented way back on 22.02.1997. C.M.P.No.17502 of 1996 was filed with a prayer to stay the operation of the order. The entire amount was deposited on 04.04.1996 as required under Section 30 of the Workmen's Compensation Act. In the notice sent to the first respondent, it was endorsed that no such person is available. Way back on 11.03.2004, this court passed an order to the effect that two weeks time is granted to the appellant to take necessary steps. Default clause was also added. The cumulative effect of all the factors referred to above is that the amount may have been withdrawn by the first respondent, inasmuch as there was no stay. At any rate, the appeal stood dismissed against the first respondent by operation of the order, dated 11.03.2004.

Viewed from any angle, nothing survives in the appeal and it

is accordingly dismissed. There shall be no order as to costs.

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L.NARASIMHA

REDDY,J
Dt:12.08.2009

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