

**THE HIGH COURT OF TRIPURA**  
**\_A\_G\_A\_R\_T\_A\_L\_A\_**

**MFA(W/C) 15 of 2011**

The National Insurance Company Ltd.,  
represented by its Divisional Manager,  
Agartala Division Office, Akhaura Road,  
P.S. West Tripura, District-West Tripura,  
(Insurer of the vehicle No. TRL-2266 Truck).

..... *Appellant.*

- Vs -

1. **Smti Kumari Tripura,**  
W/o. Late Usha Ranjan Tripura.
2. **Smti Reksona Mala Tripura,**  
D/o. Late Usha Ranjan Tripura.
3. **Smti Sajnadevi Tripura,**  
D/o. Late Usha Ranjan Tripura.
4. **Smti Kanchanmala Tripura,**  
W/o. Late Balendra Tripura.

All are residents of Vill- Mantridas Para,  
P.S. Nutan Bazar, District- South Tripura.

(Sl. Nos.2 and 3 being minors, they are represented  
by their mother as well as natural guardian,  
the petitioner respondent No.1).

5. **Sri Pannalal Banik,**  
S/o. Late Nikunja Bihari Banik,  
resident of Vill- Indranagar (Near Indranagar Dairy),  
P.O. Indranagar, P.S. East Agartala,  
District - West Tripura. (Owner of vehicle No.  
TRL -2266 Truck).

..... *Respondents.*

\_B\_E\_F\_O\_R\_E\_  
**HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the appellant : Mr. P Gautam, Advocate.  
For  
Respondent Nos.1 to 4 : Mr. Somik Deb, Advocate,  
: Mr. S Adhikari, Advocate.  
Respondent No.5 : None.  
Date of hearing and  
delivery of judgment : 8.6.2015.  
Whether fit for reporting : 

|     |    |
|-----|----|
| Yes | No |
|     | ✓  |

**JUDGMENT & ORDER(ORAL)**

This appeal by the insurance company is directed against the award dated 12.4.2011 passed by the Commissioner, Workmen's Compensation, West Tripura in T.S.(W/C)5 of 2009 whereby he awarded a sum of Rs.4,33,820/- only as compensation in favour of the claimant-respondents.

2. The allegation of the claimants was that the deceased was working as a helper/handyman on the vehicle which met with an accident and as a result of the injury sustained in the accident the deceased died and that this injury arose out of his employment and was directly connected with his employment. The learned Commissioner has come to a finding of fact that the deceased was engaged as a helper in the vehicle in question. The Commissioner has also come to a finding of fact that the total emoluments of the deceased were more than Rs.4,000/- per month and taking the age of the deceased to be 25 years on the basis of his 'School Transfer

*Certificate'* the compensation has been made. I find no error in the same. No question of law much less a substantial question of law arises in the petition. The findings given by the Commissioner with regard to the income and the age are pure findings of fact and nothing has been pointed out to show that these findings are perverse or totally unbelievable.

3. Where the learned Commissioner has erred is in granting interest only @ 6% per annum. Under Section 4A of the Workmen's Compensation Act, 1923 now renamed as the Employee's Compensation Act the rate of interest fixed is a statutory rate of 12% per annum and therefore, even though no appeal has been filed, the claimants cannot be denied what was statutorily due and payable to them. Therefore, the award of the learned Commissioner is modified to the limited extent that the claimant-respondents shall in addition to the compensation of Rs.4,33,820/- be entitled to interest @ 12% per annum from the date of accident till payment/deposit of the same.

4. The appeal is disposed of. Send down the LCRs forthwith.

**CHIEF JUSTICE**

*Sukhendu*