

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL (ST.) NO. 30078 OF 2014
WITH
CIVIL APPLICATION NO. 11899 OF 2014**

The New India Assurance Company
Ltd., Through its Authorized Official
Mrs. Sharda A. Mandvekar Divisional
Manager, Legal Cell at Aurangabad.

...Appellant

versus

Smt. Pratibha Gopal Patil,
Age: 37 years, Occu: Household,
R/o Changdeo, Tq. Muktai Nagar,
Dist. Jalgaon & Ors.

...Respondents

.....

Mr. A. S. Usmanpurkar, Advocate for appellant.
Mr. V. P. Patil, Advocate for respondent Nos. 1 to 4.
Mr. S. S. Kulkarni, Advocate for respondent No. 5.

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CORAM : N.W. SAMBRE, J.

DATE : 27TH MARCH, 2015

ORAL ORDER :

1. With the consent of the parties, the appeal is taken out for final hearing.

2. Learned Counsel for the Insurance Company has strenuously urged that, the accident took place on 01/01/2004 whereas, the proceedings were initiated in 2012, still Workmen's Compensation Commissioner has proceeded to award the interest from 01/02/2004 (i.e. after 30 days of accident) till realization.

3. The above referred factual position is not disputed by the respondents, though above referred submission as according to claimants, they are entitled for claim from the date of accident.

4. The fact remains that, the claimants have initiated the proceedings in 2012 alongwith the application for condonation of delay, which was granted and was not questioned by Insurance Company before the higher Court.

5. Even otherwise, the claim adjudicated to the tune of Rs. 2,34,340/- which is held to be entitled to the claimants, appears to be reasonable, having regard to the evidence brought on record. The only modification that should be granted at the behest of present appellant is, interest should be levied from the date of application which was preferred before the Commissioner. As such, the award passed by the Workmen's Compensation Commissioner on 17/07/2014 in Application W. C. A. No. 41/2012 stands modified and it is ordered that, the claim as ordered to the tune of Rs. 2,34,340/- shall carry interest @ 12% p.a. from the date of filing of the application before the Commissioner.

6. The appeal stands allowed in above terms.

7. In view of the disposal of appeal, civil application does not survive, same stands disposed of.

[N.W. SAMBRE, J.]