

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

MFA.No. 174 of 2007 ()

AGAINST THE ORDER/JUDGMENT IN WCC 202/2002 of W.C.C., THRISSUR DATED 03-03-2007

APPELLANT(S) :

THE NEW INDIA ASSURANCE COMPANY LIMITED
SSN SHOPPING COMPLEX, TEMPLE ROAD, THRIPRAYAR
NATTIKA P.O., REPRESENTED BY ITS MANAGER.

BY ADVS.SRI.KKM.SHERIF
SRI.A.A.ZIYAD RAHMAN

RESPONDENT(S)/APPELLANT/APPLICANT AND THE 1ST OPPOSITE:

1. K.B.SALEEM,
S/O.BALAKRISHNAN, KOLLUR HOUSE, THRIPRAYAR
THRISSUR DISTRICT.

2. P.B SUJITH,
PALLITHAZHATHU HOUSE, P.O.KUNDALIYOOR
THRISSUR DISTRICT.

R, BY ADV. SRI.T.C.SURESH MENON
R, BY ADV. SRI.JIBU P.THOMAS
R, BY ADV. SRI.P.S.APPU

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

K. HARILAL, JJ.

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M.F.A.(WCC) No. 174 of 2007

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Dated, this the 15th day of October, 2015

JUDGMENT

Ramachandra Menon, J.

This appeal has been preferred by the Insurance Company mainly challenging the verdict passed by the Commissioner for Workmen's on 03.03.2007 in WCC No. 202 of 2002, projecting the grievance that interest has been ordered to be paid on the compensation fixed by the Commissioner from the date of accident, which according to the appellant ought to have been from the date of awarding compensation as held in **National Insurance Co. Vs. Mubasir Ahammed [(2007) 2 SCC 349]**. It is stated that a substantial question of law is involved, which is to be dealt with by this Court.

2. Heard the learned counsel for the appellant as well as the learned counsel appearing for the claimants.

3. During the course of hearing, the learned counsel for the appellants fairly submits that as per the subsequent decision

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rendered by the Supreme Court in **Oriental Insurance Co. Ltd. Vs. Siby George [2012 (3) KLT 544]**, the Apex Court held that the verdict passed by the Supreme Court in **[(2007) 2 SCC 349]** (cited supra) was without adverting to the legal position declared by the Court in **AIR 1976 SC 222 [Pratap Narain Singh Deo Vs. Srinivas Sabata and another]** and hence the same was declared as per incurium.

In the above circumstances, this Court finds that there is absolutely nothing wrong in having ordered interest to be paid w.e.f. the date of accident and as such, no substantial question of law to maintain appeal u/s 30 of the Workmen's Compensation Act is involved. Inference is declined and the appeal stands dismissed.

Sd/-
P. R. RAMACHANDRA MENON,
JUDGE

sd/-
K. HARILAL,
JUDGE

kmd /True copy/

P.A. to Judge