IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.949 OF 2015

Parag Kamlakar Karnik ... Appellant
vs.
The New India Assurance Company Limited and Another ... Respondents

Mr. B.S. Nayak, for the Appellant.
Mr. D.R. Mahadik, for the Respondents.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **27th JANUARY, 2016**

P.C.:

. Admit. This Appeal is disposed of finally at the stage of admission, by consent.

2. This Appeal is directed against the judgment and award dated 8th August, 2011 passed by the C.W.C. & Judge, 7th L.C., Mumbai in Application (WCA) No. 288/C-90/1999. The Appellant i.e. original claimant was a rickshaw driver and met with an accident on 26th January, 1999. At that time, he was in the employment of Respondent No. 2. Thereafter, the claimant filed the injury claim for

the compensation, it was partly allowed and the compensation of Rs. 84,105/- was granted with the interest @ 12% p.a. from the date of the order. This order is challenged in this Appeal.

3. The challenge is only on the limited point that the interest is to be awarded from the date of the accident and not from the date of the order. The learned counsel for the Insurance Company is present. He submits that the Insurance Company is likely to settle the matter and seeks time. However, this prayer cannot be entertained.

4. In view of the legal position under Section 4 of the Workmen's Compensation Act, 1923 the rate of the interest is fixed 12% p.a. and the said interest is payable from the date of the accident. In support of this, I rely on the judgment of the Hon'ble Supreme Court in the case of ***Saberabibi Yakubbhai Shaikh and Ors. vs. National Insurance Company Limited and Ors.***[1] wherein the Hon'ble Supreme Court has relied on the decision in the case of ***Pratap Narain Singh Deo vs. Srinivas Sabata***[2] wherein the decision of the four-Judge Bench of the Hon'ble Supreme Court had held that

1. 2014(2) ALL MR 970 (S.C.)
2. (1976) 1 SCC 289.

the compensation has to be payable form the date of the accident. Relying on the ratio laid down in the case of “Saberabibi Shaikh” (supra), the Appellant is entitled to the interest @ 12% p.a. from the date of accident which is also squarely applicable to this case.

5. The rate of interest 12% p.a is payable from the date of the accident.

6. Hence, the Appeal is allowed and accordingly disposed of.

(MRS.MRIDULA BHATKAR, J.)