

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CMA MP No.24204 OF 2002

in/and

C.M.A.No.947 of 2016

COMMON JUDGMENT:

This Civil Miscellaneous Appeal is filed by the Appellants/claimants challenging the Award Dt. 28.11.2000 in W.C.No.293 of 1997(F) on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Nizamabad, whereunder the Commissioner awarded compensation of Rs.2,03,850/- against the claim of Rs.2,50,000/- without any interest.

2. Now, the Appellants/claimants preferred the instant appeal mainly on the ground that no interest was granted by the Commissioner on the compensation amount.

3. While so, in filing the appeal, there was a delay of 683 days in filing the appeal, the appellants/petitioners filed CMA MP No.24204 of 2002 under Section 5 of Limitation Act, seeking to condone the said delay.

4. During the course of enquiry, learned counsel for Respondent No.2/insurance company submitted that the delay may be condoned on suitable terms. Accordingly, CMA MP No.24204 of 2002 is allowed and the delay of 683 days in filing the appeal is condoned on condition that in case the appeal is to be allowed, the petitioners/appellants shall forego the interest for the period of delay in filing the appeal.

5. At the request of both sides, the main appeal is also heard today.

6. The submission of learned counsel for Appellants/claimants is that the Commissioner erred in not granting interest on the compensation amount awarded. He relied upon the judgments of the Apex Court in ***Saberabibi Yakubbbhai Shaikh and others v. National Insurance Company Limited and others¹ and Oriental Insurance Company Limited v. Siby George and others²***, to claim interest.

7. Per contra, learned counsel for Respondent No.2 would submit that the Appellants/claimants do not deserve any interest on the compensation amount and hence, the Commissioner rightly disallowed interest.

8. In the light of the above diverse arguments, the Point for determination is:

“ Whether the Appellants/Claimants are entitled to any interest on the compensation amount granted under the Workmen Compensation Act?

9. **POINT:** The issue is no-more integra as in the two citations relied upon by the learned counsel for appellants, the Hon’ble Apex Court held that the claimants would be entitled to interest from the date of accident till the date of realization at 12% per annum.

10. In the light of the above authoritative pronouncements, this Civil Miscellaneous Appeal (SR) is allowed and the

¹ (2014) 2 SCC 298

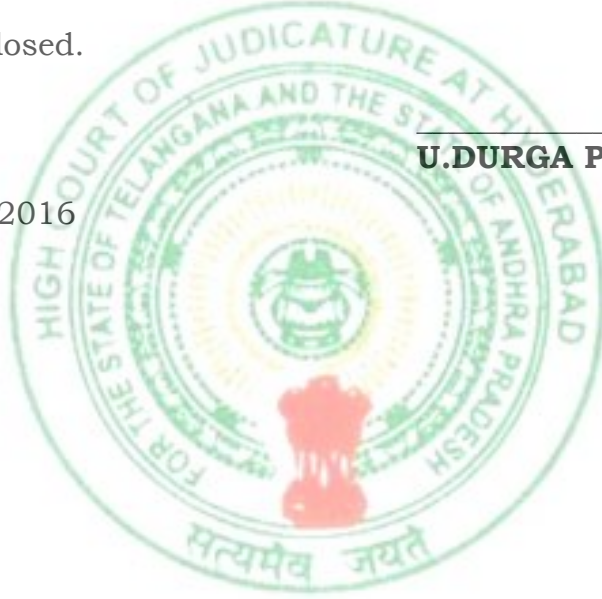
² (2012) 12 SCC 540

Appellants/claimants are held entitled to interest on the compensation amount of Rs.2,3,850/- awarded by the Commissioner at 12% p.a., from the date of accident till the date of realization excluding the period of 683 days delay in filing the appeal. The respondents are directed to deposit the compensation along with interest within two months from the date of this Judgment, failing which, execution can be taken out against them. No costs in appeal.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 04.11. 2016
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U.DURGA PRASAD RAO, J



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