

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.1622 of 2008

–
Date:09.06.2016

Between:

The New India Assurance Co.Ltd.,
Branch office, D.No.14305, Rice
Miller's Association Building, Post
Office Road, Gudivada – 521 301.

... Appellant.

AND

Karem Sthamma and others.

... Respondents.

The Court made the following :

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–
JUDGMENT:

This appeal is preferred against order dated 31-08-1999 in W.C.No.109/1997 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Karimnagar.

2. First respondent herein submitted application before Commissioner for Workmen's Compensation alleging that

K. Venkatesh worked as daily labour on Tractor-Trailer bearing No.APR 6231/6233 on a daily wage of Rs.75/- and on 12-12-1996, while the tractor was going to NTPC with a load of Kankara, the front tyre of tractor

loosened, the workmen fell down and as a result, he died on the spot and claimed for compensation of Rs.2,60,050/- Lower authority conducted enquiry and granted Rs.2,15,280/- as compensation with interest at 12% from the date of accident till date of deposit and aggrieved by the same, Insurance Company preferred the present appeal.

3. Heard arguments.

4. The main grievance of the appellant-Insurance Company is that the lower authority erred in granting interest on the compensation amount.

5. Advocate for respondents-claimants submitted that in view of the decisions of Hon'ble Supreme Court in **SABERABIBI YAKUBBHAI SHAIKH vs. NATIONAL INSURANCE COMPANY LIMITED^[1]** & **JAYA BISWAL AND OTHERS vs. BRANCH MANAGER, IFFCO-TOKIO GENERAL INSURANCE CO.Ltd.,^[2]** the objection of the Insurance Company with regard to payment of interest is no more tenable and submitted that necessary orders may be passed.

6. As per the decision of Hon'ble Supreme Court in **SABERABIBI YAKUBBHAI SHAIKH vs. NATIONAL INSURANCE COMPANY LIMITED¹**, the claimant is entitled for interest at 12% per annum from the date of accident till deposit.

7. Considering the submissions of Advocate for respondents and considering the Judgments of Hon'ble Supreme Court in **SABERABIBI YAKUBBHAI SHAIKH vs. NATIONAL INSURANCE COMPANY LIMITED¹** & **JAYA BISWAL AND OTHERS vs. BRANCH MANAGER, IFFCO-TOKIO GENERAL INSURANCE CO.Ltd.,²** the objection of the appellant-Insurance Company with regard to grant of interest is not tenable and that the appeal is liable to be dismissed.

8. Accordingly, appeal is dismissed. No costs.

9. As a sequel, miscellaneous petitions, if any, pending in this appeal, shall stand dismissed. No costs.

JUSTICE S. RAVI KUMAR

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[\[1\]](#) (2014) 2 SCC 298

[\[2\]](#) 2016 ACJ 721