

THE HON'BLE SMT. JUSTICE ANIS

CIVIL MISCELLANEOUS APPEAL NO. 2244 OF 2004

JUDGMENT:

This appeal is filed by the appellant/applicant under Section 30 of the Workmen's Compensation Act, 1923 (for short 'the Act'), aggrieved by the award dated 10.07.2003, passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Hyderabad-II in W.C.No.5 of 2003, awarding compensation of Rs.3,43,322/-.

2. The applicant filed the above W.C. claiming compensation of Rs.5 lakhs for the untimely death of his son in a motor vehicle accident occurred on 12.01.2003, out of and during the course of employment.

3. For the sake of convenience, the parties are referred to as arrayed in the W.C. before the Commissioner for Workmen's Compensation.

4. The brief averments made in the petition are that the son of the petitioner by name Mallaiah @ Mallesh (for short 'the deceased') was employed by opposite party No.1 as a driver of a lorry bearing No.AP9U 7266. On the date of accident, while the deceased was proceeding in the said lorry and when the lorry reached near Baswapur village, another lorry bearing No.GJ9T 4716 proceeding from Kamareddy to Hyderabad dashed the lorry driven by the deceased, due to

which both the lorries turned turtle and the deceased died while undergoing treatment in Gandhi Hospital, Secunderabad. The police, Bhiknoor registered the same as case in Crime No.9 of 2003 for the offence punishable under Section 304-A IPC.

According to the applicant, her son was receiving Rs.4,000/- per month as salary and Rs.50/- as batta per day. Therefore, prayed the Court to grant compensation.

5. In the counter filed by the opposite party No.1, he admitted that the deceased was employed as a driver on his lorry and he was being paid the salary of Rs.4,000/- per month and also Rs.50/- per day as batta. According to him, the policy was in force with second opposite No.2, as such the opposite party No.2 is liable to pay compensation.

6. In the counter filed by the opposite party No.2, it denied the averments and contentions raised by the applicant.

7. Basing on the evidence of the applicant, the Commissioner for Workmen's Compensation granted compensation of Rs.3,43,322/- without there being any order in respect of interest.

8. Not satisfied with the compensation awarded by the Commissioner for Workmen's Compensation, the applicant preferred the present appeal.

9. A perusal of the evidence adduced by both parties, I am of the view that the Commissioner for Workmen's Compensation, on considering the oral and documentary evidence, rightly awarded just and reasonable compensation and that finding needs no interference.

10. During the course of arguments, the learned counsel for the applicant prayed this Court to grant interest only in view of the amended Act.

11. Heard the learned counsel for the opposite party No.2. He conceded that as per the amended Act, the appellant is entitled for interest.

12. Considering the provisions of the amended Act of Workmen's Compensation, the appellant/applicant is entitled for interest @ 12% per annum from the date of petition filed before Commissioner for Workmen's Compensation till realisation.

13. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs. Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

(ANIS, J)

29.09.2016
Anr

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