

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.233 of 2009

Date:09.06.2016

Between:

The General Manager,
M/s. Royal Sundaram Alliance
Insurance Co.Ltd., 46, Whites Road,
Chennai, Tamilnadu.

... Appellant.

AND

Sri Anugaju Narayana and others.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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JUDGMENT:

This appeal is preferred against order dated 15-03-2007 in W.C.No.02/2006 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Karimnagar.

2. Respondents 1 & 2 herein submitted application to the Commissioner for Workmen's Compensation alleging that deceased- A. Narasimha Chary was employed on lorry bearing No. AP-16-TT-9116 belonging to third respondent herein and on 18-8-2004, he died during the course of employment due to the accident and that he was drawing monthly wage of Rs.2,500/- with daily batta of Rs.60/- and the claimants are entitled for compensation of Rs.4,42,740/-. Insurance Company

opposed the claim and the lower authority, on a consideration of material on record, granted Rs.2,55,987/- as compensation with interest at 9% per annum. Now aggrieved by the said award, present appeal is preferred by the Insurance Company.

2. Heard arguments.

3. The main grievance of the appellant-Insurance Company is that the lower authority erred in granting interest on the compensation amount. It is contended that the lower authority has no jurisdiction to award any interest on the compensation amount.

4. 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 on the compensation is no more tenable.

5. As per the decision of Hon'ble Supreme Court in **SABERABIBI YAKUBBHAI SHAIKH vs. NATIONAL INSURANCE COMPANY LIMITED**¹, the claimant is entitled for interest at 12% per annum from the date of accident till deposit.

6. Considering the submissions of Advocate for respondents and 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 grant of interest is not tenable and that there are no grounds to interfere with the order of the lower authority and the appeal

is liable to be dismissed.

7. For these reasons, appeal is dismissed. No costs.

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

JUSTICE S. RAVI KUMAR

Date:09.06.2016

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

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