

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

C.M.A. No.3238 OF 2004

JUDGMENT:

The appellant—insurer among two opposite parties including owner of lorry bearing No.AP 37 T 4298, filed this appeal having been aggrieved by the Order/Award passed on 08.05.2003 in W.C. No.18 of 2002 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Eluru (for short 'the Tribunal') awarding compensation of Rs.2,27,472/- against the claim of Rs.3,50,000/- fixing liability against opposite party No.1—owner of the lorry and its insurer opposite party No.2 to the W.C., covered under Ex.B1—policy.

2) Learned counsel for respondent/ applicant submits that the Tribunal awarded just compensation and for this Court while sitting in appeal there is nothing to interfere, hence to dismiss the appeal. Heard and perused the material on record.

3) A perusal of the record would show that the injured applicant while working as driver under opposite party No.1 met with an accident on 20.05.1998 and sustained injuries. The evidence of AW.2—Dr.M.V.G.Tilak coupled with Ex.A5—disability certificate show that the injured sustained permanent disability at 60% for loss of limb. The Tribunal came to conclusion that from the nature of the injuries, taken 100% disability for his avocation as driver though there is no amputation practically as paralyzed to drive the vehicle.

4) Having regard to the above, for this Court while sitting in appeal there is nothing to interfere but for to award rate of interest at 7.5% per annum from the date of appeal till realization.

5) Accordingly and in the result, the appeal is allowed in part by awarding rate of interest at 7.5% per annum from the date of appeal till realization. The opposite party Nos.1 and 2 in W.C, who are jointly and severally liable to pay compensation, are directed to deposit the said amount with interest within one month with notice, failing the applicant can execute and recover. On such deposit, execution and recovery, the

applicant is permitted to withdraw the same. There is no order as to costs.

6) Consequently, miscellaneous petitions, if any pending in this Appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:22.02.2016
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but for to reduce the rate of interest from 12% per annum to 7.5% per annum, as per the three judge bench expression of the Apex Court in Rajesh vs Rajbir Singh, from the date of claim petition till realization.

Accordingly and in the result, the appeal is partly allowed.

05.02.2016
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