

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

C.M.A.No.1676 of 2004

JUDGMENT:

This Civil Miscellaneous Appeal is filed by the claimant aggrieved by the Award in W.C.No.355 of 1997 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Nizamabad.

2. The claimant was a workman under Opposite Party No.1 and during the course of his employment, when he was traveling in the lorry and when the vehicle reached near Narasimhaswamy Gutta in the outskirts of Manikbhandar Village, the driver of the vehicle drove the same in a rash and negligent manner and at high speed and dashed against a boulder and thereby, the claimant and others suffered injuries. The claimant received fracture injuries to his both legs, head and stomach and other parts of the body. He suffered consequent disability at 80%. Therefore, he filed the claim petition for Rs.2,00,000/- against Opposite Party Nos. 1 and 2, who are owner and insurer of the offending lorry and the tribunal, on consideration of evidence placed on record, has awarded Rs.1,63,780/- as compensation.

3. Aggrieved, the claimant preferred the instant appeal.

4. Heard the argument of Sri K.M. Mahender Reddy, learned counsel for Appellant/claimant and Mrs. S.N.Padmini, learned counsel for respondent No.2.

5. Learned counsel for appellant argued that while awarding compensation, the Commissioner did not award the interest, which

he is entitled as per the authoritative judgments of the Apex Court and placed reliance on ***Saberabibi Yakubbbhai Shaikh and others v. National Insurance Company Limited and others***¹ and ***Oriental Insurance Company Limited v. Siby George and others***².

6. Learned counsel for respondent opposed the appeal and argued that the claimant is not entitled to any interest.

7. In the light of the above rival arguments, the point that arises for consideration is:

“whether the claimant is entitled to interest on the compensation amount or not?”

8. **Point** : The issue is no more *res intergia* as in two decisions cited by the learned counsel for claimant/appellant, the Hon’ble Apex Court held that the claimant under Workmen’s Compensation Act, 1923, is entitled to simple interest at 12% from the date of accident till the date of realization. In view of the aforesaid authoritative pronouncements of the Apex Court, it is clear that the claimant/appellant in the instant case, is entitled to interest.

9. Accordingly, this Appeal is allowed and the respondents are directed to pay compensation amount of Rs.1,63,780/- with simple interest at 12% p.a. from the date of accident till the date of realization. The respondents are directed to deposit the compensation amount within one month from the date of

¹ (2014) 2 SCC 298

² (2012) 12 SCC 540

judgment, failing which, the execution can be taken out against them. No costs.

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

U.DURGA PRASAD RAO, J

Date: 20.10. 2016

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