

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM : THE HON'BLE Mr.JUSTICE N.SESHASAYEE

C.M.A.No.1508 of 2001

S.Murugesan .. Appellant/Applicant

Vs

1. K.Anbalagan

2. The New India Assurance Co. Ltd.,
No.46, Moore Street,
Chennai - 600 001. ... Respondents/Opposite parties

Prayer : Civil Miscellaneous Appeal preferred under Section 30 of the Workmen's Compensation Act against the order dated 22.12.2000 passed in W.C.No.42 of 1999 by the Commissioner for Workmen's Compensation-II, Chennai - 600 006 and the same was received by the appellant on 07.06.2001 and praying to set aside the same.

For Appellant : Mr.A.Shanmugaraj

For Respondents : R1 - Notice dispensed with
Mr.G.Udayasankar for R2

JUDGMENT

This appeal is preferred by the claimant under Workmen's Compensation Act, who has approached the authorities under the Act seeking compensation for the injuries he had suffered while he was in the employ as an auto rickshaw driver. In the said accident, he has suffered grievous cut injuries all over his face, dislocation of right lower jaw and fibrosis in his left knee etc., While the dental surgeon, A.W.2 has assessed the percentage of disability at 25% and the doctor A.W.3 has assessed the knee injury at 10%, the Tribunal has fixed the loss of earning capacity at 7%. The percentage of disability was determined by the Tribunal taking into account the evidence adduced by both the doctors that the claimant could continue his profession as driver and it would not cause any loss to his earning capacity. The Tribunal has awarded a compensation of Rs.18,476/- and it has directed the insurance company to deposit the award amount within 30 days and on default, the second respondent/Insurance Company would be liable to deposit the

award amount with interest @ 12% from the date of claim petition till deposit.

2. The learned counsel for the appellant submitted that the claimant would be entitled to interest from the thirty first day of the accident till deposit of compensation and to this extent the award goes contrary to certain principle.

3. I find merit in the submission of the learned counsel for the appellant. Accordingly, the second respondent/Insurance Company is directed to pay the interest from the thirty first day of the accident till deposit as per Section 4-A(3) of Workmen's Compensation Act, 1923, and if the amount has already been so deposited, the appellant would not be entitled to any interest further. The appeal is disposed of accordingly with no costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Commissioner for Workmen's Compensation-II,
Chennai - 600 006 .
2. The Section Officer
VR Section,
High Court, Madras.

+1cc to Mr.A.Shanmugaraj,Advocate in SR.No.585
+1cc to Mr.G.Udaya Sankar,Advocate in SR.No.518

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GJ(CO)
CS/01/06/17