

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

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

C.M.A.No.1554 of 2001

N.Rajendran

.. Appellant/Applicant

Vs

1. J.Vijay Kumar

2. The National Insurance Co. Ltd.,
No.7, Ampherson Street,
Chennai - 600 108.

3. The National Insurance Co. Ltd.,
No.66, Greams Road,
Chennai - 600 006. ... Respondents/Opposite parties
(R2 deleted as per order dated 03.11.1999)

Prayer : Civil Miscellaneous Appeal preferred under Section 30 of the Workmen's Compensation Act against the order dated 03.10.2000 passed in W.C.No.175 of 1999 by the Commissioner for Workmen's Compensation-I, Chennai - 600 006 and the same was received by the appellant on 20.12.2000 and praying to set aside the same.

For Appellant : Mr.A.Shanmugaraj

For Respondents : R1 - Notice dispense with
R2 - Deleted
Mr.D.Bhaskaran for R3

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 had suffered fracture to his left collar bone, dislocation of hip etc., While the doctor has assessed the percentage of disability at 55%, the Tribunal has determined it at 45% and awarded a compensation of Rs.1,02,362/-. It has directed that the said amount may be deposited within 30 days and on default, the third respondent 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-I,
Chennai - 600 006 .
2. The Section Officer
VR Section,
High Court, Madras.

+1cc to Mr.A.Shanmugaraj, Advocate in SR.No.586
+1cc to Mr.G.S.Bhaskaran, Advocate in SR.No.497

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GJ(CO)
CS/01/06/17