

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated : 11.09.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.M.A. (MD) No.1978 of 2013**

Kalliammal .. Appellant / Petitioner

Vs.

1. P.R.S.Seenivasan

2. United India Insurance Company Ltd.,
PWD Road, Nagercoil. .. Respondents/Respondents

Prayer:- Appeal filed under Section 30 of the Workmen's Compensation Act, 1923 against the award passed in W.C.No.104 of 2007 dated 23.11.2009 on the file of the Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Tirunelveli.

For Appellant : Mr.U.Minnavadi
For R1 : Mr.A.L.Kannan
For R2 : Mr.N.Dilipkumar

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award dated 23.11.2009 passed in W.C.No.104 of 2007 on the file of the Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Tirunelveli.

2.The appellant filed W.C.No.104 of 2007 before the learned Deputy Commissioner of Labour, Tirunelveli, claiming a sum of Rs.4,01,300/- with 12% interest from the date of accident, as compensation for the grievous injuries sustained by her husband in an accident occurred during the course of his employment under the first respondent.

3.On the basis of the available evidence on record, the Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Tirunelveli, has awarded a sum of Rs.4,01,300/- with 12% interest from the date of award.

4.Aggrieved over the award passed by the Commissioner for Workmen's Compensation (Deputy Commissioner of Labour), Tirunelveli, the present Civil Miscellaneous Appeal has been preferred at the instance of the claimant as appellant,



questioning the date of interest, which has ordered only from the date of award, instead of from the date of accident.

5. When the matter came up for hearing, the learned counsel appearing for the second respondent fairly brings to the knowledge of this Court to the Judgement of the Hon'ble Supreme Court in **ORIENTAL INSURANCE CO. LTD., v. SIBY GEORGE reported in 2012 (12) SCC 540**, wherein it has been held as follows:-

"10.

3. A four-Judges Bench of this Court in *Pratap Narain Singh Deo v. Srinivas Sabata*, speaking through Shinghal, J. has held that an employer becomes liable to pay compensation as soon as the personal injury is caused to the workmen by the accident which arose out of and in the course of employment. Thus, the relevant date for determination of the rate of compensation is the date of accident and not the date of adjudication of the claim."

and conceded that in view of the above Judgement, the appellant is entitled to get the interest from the date of accident.

6. Recording the said submission made by the learned counsel for the second respondent and also considering the fact that the above Judgement is also followed in a Judgement in **SABERABIBI YAKUBBHAI SHAIKH v. NATIONAL INSURANCE CO. LTD., reported 2014 (2) SCC 298**, this Court allows this appeal by awarding the interest from the date of accident instead of from the date of award. In all other aspects, the award of the Tribunal is confirmed.

7. In the result, the Civil Miscellaneous appeal is allowed. The second respondent / Insurance Company is directed to deposit the entire award amount, less the amount already deposited, with accrued interest at the rate of 12% per annum, except the delayed period, from the date of accident till the date of realization, within a period of six weeks from the date of receipt of a copy of this order, if not already deposited. On such deposit being made, the claimant is entitled to withdraw the award amount with proportionate interest and costs, without filing any formal petition before the Court below. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Workmen's Compensation,

<https://hcservices.ecourts.gov.in/hcservices/>

Commissioner - cum- Deputy Commissioner of Labour,

Tirunelveli.



2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.U.Minnavadi , Advocate in SR No. 77955
+ 1 cc TO Mr.N.Dilipkumar , Advocate in SR No. 77954

Rj2
VB/JC/SAR1/06.11.2017/3P/5C

C.M.A. (MD) No.1978 of 2013
11.09.2017