

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL MISCELLANEOUS APPEAL No.3468 OF 2004

JUDGMENT:

On the ground that the Commissioner for Workmen's Compensation, Nellore (for short 'Commissioner') awarded a meager compensation of Rs.2,06,862/- in W.C. Case No.16 of 2003, by order, dated 15.05.2004, as against the claim of Rs.4,00,000/- claimed under Section 22 of the Workmen's Compensation Act, 1923 (for short 'Act'), the present appeal is preferred under Section 30 of the Act.

2. Heard Sri A. Rajendra Babu, learned counsel for the appellants - applicants. No representation for respondent No.2 - Insurer. The appeal against respondent No.1 was dismissed for default on 23.03.2011.

3. As could be seen from the order and the material placed on record, there are no documents filed to prove the income of deceased driver. The accident in this case did occur on 13.06.2003. The Commissioner has taken the age of the deceased as 31 years as mentioned in Ex.B-4 and the wage at Rs.2,000/- per month in the absence of any income proof, and applying formula arrived at Rs.2,05,950/-, besides granting Rs.500/- towards advocate fee, making a total of Rs.2,06,862/-, and directed opposite party Nos.1 and 2 to deposit within thirty days, and on failure, simple interest at 6% per annum was awarded from the date of accident till realization of

amount. Certainly, the rate of interest at 6% per annum is not in accordance with law. Therefore, to the extent of modifying the rate of interest from 6% to 12% per annum as per the statutory mandate, the order is affirmed in all other respects.

4. The appeal is, accordingly, allowed in part to the extent of modifying the rate of interest from 6% per annum to 12% per annum. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

August 29, 2017.
Mgr

A. SHANKAR NARAYANA, J

