

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL MISCELLANEOUS APPEAL No.3163 OF 2004

JUDGMENT:

The present appeal is preferred by the applicants in W.C.No.259 of 1996 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Nalgonda, aggrieved over the order and decree, dated 13.12.2002, passed in the said W.C., whereby and whereunder, the Commissioner has awarded a sum of Rs.1,24,932/-, as against the claim of Rs.1,60,000/-, with interest at 9% per annum for the death of one Mohd. Ibrahim, who is the son of appellant No.1 and brother of appellant Nos.2 to 9, in a road accident.

2. Heard Sri K. Jagadishwar Reddy, learned counsel for the appellants, and Sri N.S.Bhaskara Rao, learned counsel for respondent No.2.

3. The present appeal is dismissed for default against respondent No.1 – owner of the lorry.

4. Learned counsel for the appellants, having tendered elaborate arguments, tried to impress upon the Court to accept Rs.2,000/- as the monthly income of the deceased, but, however, lastly confined the request to the extent of enhancement of rate of interest from 9% per annum to 12% per annum, which is the statutory rate of interest.

5. In fact, the Commissioner, at one stage, observed that Ex.A5–Wage Certificate was testified by its architect, but it is a mistaken observation when examined in the light of the evidence on record, where except appellant No.2 – applicant No.2, no other was examined on behalf of the appellants. Therefore, it appears that some sort of mistake or error crept into in making such an observation. Be that as it may, since, there is no documentary proof to show the monthly income of the deceased, confirming the compensation amount determined by the Commissioner, except to the extent modifying the rate of interest from 9% per annum to 12% per annum, the present appeal is partly allowed.

6. Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

August 30, 2017.
MD

A. SHANKAR NARAYANA, J