

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL MISCELLANEOUS APPEAL No.64 OF 2005

JUDGMENT:

The present appeal is preferred by the applicant Nos.1 and 2 in W.C. Case No.18 of 2002, on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Patancheru, Medak District (for short 'Commissioner') under Section 30 of the Workmen's Compensation Act, 1923, challenging the order, dated 10.03.2003, passed by the Commissioner.

2. The appellants herein are applicant Nos.1 and 2 in the aforesaid W.C. Case, while respondent Nos.1 and 2, who are owner/employer and insurer of the vehicle, are arrayed as opposite party Nos.1 and 2 and respondent Nos.3 to 6 are applicant Nos.3, 4, 6 and 7 respectively.

3. Heard Sri C. Buchi Reddy, learned counsel for the appellants - applicants, and Sri Ravi Shankar Jandhyala, learned standing counsel for respondent No.2 - Insurer.

4. The short question involved in the present appeal is whether the applicants be deprived of interest at 12% per annum from the date of occurrence. The Commissioner having framed five issues, arrived at Rs.2,75,750.60ps., towards loss of income and awarded the same towards compensation, besides Rs.550.40ps. towards costs, making a

total of Rs.2,76,301/-, and directed respondent Nos.1 and 2 - opposite party Nos.1 and 2 to deposit within 30 days. Admittedly, interest was not awarded. But, the interest at 9% per annum awarded was only in the event of failure to deposit the aforesaid amount within the stipulated time. In view of the settled law, interest at 12% per annum which is provided by the provisions of the Statute itself, but from the date of occurrence as against one month after the date of occurrence provided by the Statute, the appellants are entitled to the interest and, accordingly, interest at 12% per annum from the date of occurrence is granted on the amount of compensation awarded by the Commissioner till deposit was made.

5. The appeal is, accordingly, allowed in part. There shall be no order as to costs.

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

A. SHANKAR NARAYANA, J

August 28, 2017.

Mgr