IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.677 of 2003

1. K. Anjala
2. K. Kuppusamy ... Appellants/Applicants

Vs.

1. M/s.Pappu Finance Limited,
No.66, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.

2. United India Insurance Co.Ltd.,
No.38, Anna Salai,
Chennai - 600 002. ... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Order 30 of the Workmen's Compensation Act, 1923, against the order dated 12.08.2002 made in W.C.No.85 of 2000 on the file of the Commissioner for Workmen's Compensation -I (Deputy Commissioner of Labour -I), Chennai - 600 006.

For Appellant : Mr.S.Alex Raj
for Mr.A.Shanmugaraj
For Respondents
No.2 : Mr.T.D.Vasu
R1 : Exparte

- - - - -

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the award passed by the Commissioner for Workmen's Compensation - I (Deputy Commissioner of Labour -I) in W.C.No.85 of 2000 dated 12.08.2002.

2. While passing the award, the Tribunal has directed the Insurance Company to deposit a sum of Rs.2,21,370/- towards compensation within a period of 30 days, failing which, it will attract interest at the rate of 12% per annum.

सत्यमेव जयते
WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

3. The learned counsel for the appellants would contend that they are entitled to get interest as per Section 4-A (3) of Employee's Compensation Act, 1923, from the date of accident.

4. It is well settled by the judgment of the Hon'ble Supreme Court in Pratap Narain Singh Deo Vs. Shrinivas Sabata and another reported in 1976 A.C.J.141, wherein, the Hon'ble Supreme Court has held that the word “falls due” as specified under Section 4-A of the Employee's Compensation Act, 1923, denotes the date of accident and not the date of order passed by the authority, the claimant is entitled for interest after 30 days from the date of accident.

5. A Division Bench of this Court in N.Ganesan Vs. Thilagavathi and another reported in 2010 (2) TN MAC 80 (DB) has also followed the above-mentioned judgment and has held as follows:-

> "27. (i) The word "falls due" occurring under Section 4-A of the Workmen's Compensation Act, 1923 in the light of the ratio laid down in the Larger Bench decision of the Hon'ble Supreme Court of India reported in Pratap Narain Singh Deo v. Srinivas Sabata and another, 1976 (1) SCC 289 and Kerala State Electricity Board v. Valsala, K., 2000 ACJ 5 (SC), means that interest for compensation amount would accrue 30 days after the date of the accident and not from the date of quantification/orders passed by the Commissioner for Workmen's Compensation."

6. I respectfully agree with the finding of the learned Judges and the claimants are entitled to get interest after 30 days from the date of accident. Therefore, the Insurance Company is directed to deposit the interest from the 31st day of accident till the of deposit at the rate of 12% per annum within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this Civil Miscellaneous Appeal is allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

asi

WEB COPY

To

The Commissioner for Workmen's Compensation -I
(Deputy Commissioner of Labour -I),
Chennai - 600 006.

copy to
The Record Keeper
VR Section
High Court, madras

+1 cc to Mr.T.D.Vasu Advocate sr 15743

C.M.A.No.677 of 2003

ev(co)
aa11/04/218

WEB COPY

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