



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.111 of 2018

K.Ponnusamy

.. Appellant / Petitioner

vs.

1. R.N.Siva

2. The Branch Manager,
National Insurance Company Ltd.,
63, Rasi Plaza,
Pradhakshanam Road,
Karur.

(The 1st respondent is set

ex-parte before the Labour Court) .. Respondents / Respondents

Appeal filed under Section 30 of the Workmen's Compensation Act, against the order of the Deputy Commissioner of Labour, Dindigul, made in W.C.No.41 of 2014 dated 05.05.2016.

For Appellant : Mr.N.Sudhagar Nagaraj

R1 : Exparte

For R2 : Mr.A.S.Mathialagan

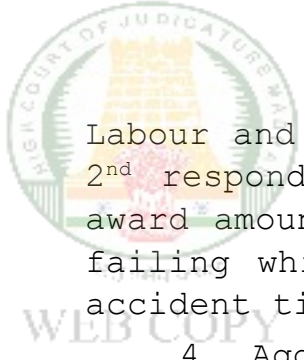
JUDGMENT

This Civil Miscellaneous Appeal has been filed against the order of the Deputy Commissioner of Labour, Dindigul, made in W.C.No.41 of 2014 dated 05.05.2016.

2. The appellant is the claimant injured in the accident happened on 27.02.2011. He filed a claim petition before the Deputy Commissioner of Labour, Dindigul, in W.C.No.41 of 2014 seeking compensation of Rs.15 lakhs for the injuries sustained in the accident. The appellant was working as driver in the 1st respondent's vehicle bearing registration No.TN-47-T-4689. The 2nd respondent is the insurer of the said vehicle.

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3. The claim was adjudicated by the Deputy Commissioner of



Labour and a sum of Rs.5,78,662/- was awarded as compensation. The 2nd respondent insurance company was directed to deposit the said award amount within 30 days from the date of receipt of the order, failing which, 12% simple interest shall be paid from the date of accident till the date of deposit.

4. Aggrieved by the said order, the present appeal has been preferred by the appellant/claimant disputing the award in respect of not granting interest from the date of accident.

5. Learned counsel for the appellant has contended that the Deputy Commissioner of Labour has awarded Rs.5,78,662/- without interest. In general, the interest is to be calculated from the date of accident till the date of deposit. In this case, the accident occurred on 13.02.2014 and award was passed on 05.05.2016 and the 2nd respondent insurance company deposited the award amount on 18.10.2016 without 12% interest before the Deputy Commissioner of Labour, Dindigul.

6. Learned counsel for the appellant in support of his contention regarding interest which should be awarded from the date of accident till the date of deposit relied on the following judgments:-

i) Pratap Narain Singh Deo vs. Srinivasa Sapta and another reported in (1976) 1 SCC 289.

ii) Oriental Insurance Company Ltd., vs. S.Neelavathi and others reported in 2015 (2) TN MAC 772.

iii) N.Ganesan vs. Thilagavathi and others reported in 2010 (2) TN MAC 80(DB).

7. Learned counsel for the 2nd respondent also conceded to the said decision relied on by the counsel for the appellant in respect of granting interest from the date of accident itself.

8. Hence, this Court is inclined to allow this appeal by modifying the order of the Deputy Commissioner of Labour, Dindigul, in W.C.No.41 of 2014 dated 05.05.2016 in respect of interest and accordingly, the 2nd respondent is directed to pay the awarded compensation along with 12% simple interest from the date of accident till the date of deposit.

9. With the above direction, this Civil Miscellaneous Appeal is allowed. No costs.



/True Copy/

Sub Assistant Registrar

To

The Deputy Commissioner of Labour,
Dindigul.

- + 1 CC TO Mr.N.SUDHAGAR NAGARAJ, ADVOCATE IN SR No.70168
- + 1 CC TO Mr.A.S.MATHIALAGAN, ADVOCATE IN SR No.70161

PJL

RJ/TE/SAR-3 : 12/07/2018 : 2P/4C

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