



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

C.M.A. (MD) No.125 of 2018

B.Murugeshwari

... Appellant

Vs.

1.P.Ilayaraja

2.Divisional Manager,
United India Insurance Co.Ltd.,
12-A, Kovai Road,
2nd Floor, PLA Building,
Karur

... Respondents

PRAYER : The Appeal filed under Section 30 (4) of the Workmen Compensation Act to modify the order passed by the Deputy Commissioner of Labour, Dindigul made in W.C.No.5 of 2011 dated 14.12.2015 by allowing the Civil Miscellaneous Appeal.

For Appellant : Mr.N.Sudhagar Nagaraj

For R2 : Mr.N.Sivakumar

JUDGMENT

This Civil Miscellaneous Appeal has been filed to modify the order passed by the Deputy Commissioner of Labour, Dindigul made in W.C.No.5 of 2011 dated 14.12.2015 by allowing the Civil Miscellaneous Appeal.

2.The appellant claimed a sum of Rs.7,00,000/- as compensation for the death of the deceased Kannan, who is the son of the appellant herein. The deceased was working as a driver in Omni Van bearing Reg.No.TN 04 J 1767 and he died in the course of employment and the accident was also arisen out of employment. R1 is the owner of the vehicle and R2 is the insurer of the said vehicle.

3.The Deputy Commissioner of Labour has awarded a sum of ~~RS.5,00,000/-~~ as compensation and directed the 2nd respondent to pay the said amount along with 12% interest within 30 days from



the date of receipt of the copy of the said order. The present appeal is filed disputing the interest not awarded from the date of accident by R2.

4. The learned counsel appearing for the appellant submitted that the Deputy Commissioner of Labour, Dindigul ought to have been ordered interest from the date of accident till the date of deposit and as per the judgment of Hon'ble Supreme Court reported in (1976 (1) SCC 289) Pratap Narain Singh deo Vs. Srinivas Sabata and another and subsequently the said judgment was also followed by the Principal Bench of this Court in the Judgment reported in 2015(2) TNMAC 772 Original Insurance Company Ltd., Vs. S. Neelavathi and others, in which, it has been held that the interest should be awarded from the date of accident, as per the dictum laid down in the Judgment of the Supreme Court reported in Siby George (SC) as followed in Saberabibi (SC) judgment. No contra decision against the above dictum is cited by the learned counsel appearing for the second respondent / Insurer.

5. Hence, considering the decisions relied by the learned counsel for the appellant, this Civil Miscellaneous Appeal is allowed by setting aside the findings given by the Deputy Commissioner of Labour, in W.C.No.5 of 2011 dated 14.12.2015 in respect of interest awarded. The 2nd respondent is also directed to deposit the compensation determined by the Deputy Commissioner of Labour along with 12% interest from the date of occurrence till the date of deposit. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

The Deputy Commissioner of Labour,
Dindigul.

+ 1 cc TO Mr.N.Sudhagar Nagaraj , Advocate in SR No. 53521

gns

AE/JC/SAR4/09.04.2018/2P/3C

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