



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.03.2018
CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

WEB COPY

C.M.A. (MD) No.132 of 2018

J.Mohanraj

... Appellant

Vs.

1.L.Sulochana

2.The Manager

The New India Assurance Company Ltd.,
1st Floor, Amman Complex,
1360, EVN Road, Erode-638 011.
(Policy No.72080031100200003347)

... Respondents

PRAYER : The Appeal filed under Section 30 of the Workmen Compensation Act to modify the order passed by the Deputy Commissioner of Labour, Dindigul made in W.C.No.90 of 2011 dated 05.12.2016 by allowing the Civil Miscellaneous Appeal.

For Appellant : Mr.N.Sudhagar Nagaraj
For R2 : Mr.S.Sarvagan Prabhu

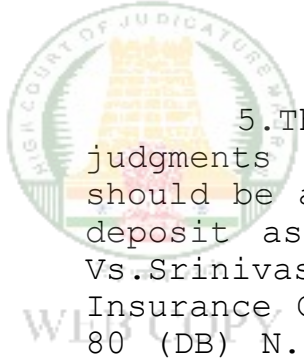
JUDGMENT

This Civil Miscellaneous Appeal has been filed to modify the order passed by the Deputy Commissioner of Labour, Dindigul made in W.C.No.90 of 2011 dated 05.12.2016 by allowing the Civil Miscellaneous Appeal.

2.The appellant herein is the claimant, who was injured at the time of accident. The petitioner filed claim petition before the Deputy Commissioner of Labour, Dindigul in W.C.No.90 of 2011 seeking a sum of Rs.7,00,000/- as compensation for the injuries caused in the accident. the petitioner was working as driver in the first respondent's van bearing Reg.No.TN 39 6444. The second respondent herein is the insurer of the said vehicle.

3.The claim was adjudicated by the Deputy Commissioner of Labour and a sum of Rs.6,05,508/- was awarded as compensation along with interest at the rate of 12% within 30 days from the date of receipt of copy of that order, payable by the second respondent herein.

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



5.The learned counsel appearing for the appellant relies some judgments in support of his contention regarding interest which should be awarded from the date of accident itself till the date of deposit as reported in (1976) 1 SCC 289 Pratap Narain Singh deo Vs.Srinivasa Sapta and another; 2015 (2) TN MAC 772 Original Insurance Company Ltd., Vs. S.Neelavathi and others; 2010 (2) TNMAC 80 (DB) N.Ganesan Vs. Thilagavathi and others. No contra decision against the above dictum is cited by the learned counsel appearing for the second respondent / Insurar.

6.The learned counsel appearing for the respondent also conceded the said decision relied by the learned counsel appearing for the appellant, in respect of granting interest from the date of accident itself.

7.Hence, the present appeal is allowed by setting aside the order of the Deputy Commissioner of Labour, Dindigul in W.C.No.90 of 2011 dated 05.12.2016 in respect of interest and the second respondent is directed to pay the awarded compensation along with 12% simple interest from the date of accident till the date of deposit. Accordingly, the Civil Miscellaneous Appeal is allowed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Deputy Commissioner of Labour,
Dindigul.

COPY TO:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.N.Sudhagar Nagaraj, Advocate SR.No. 53522
+1cc to M/S.D.Selvaraj, Advocate SR.No. 53545

C.M.A.(MD)No.132 of 2018

07.03.2018

gns