

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2998 of 2006

S.Srinivasan

... Appellant/Appellant

vs

1. S.Venkatesan
2. The New India Insurance Co. Ltd.,
No.45, Moore Street,
Chennai - 600 001.Respondents/Opposite parties

Civil Miscellaneous Appeal filed against the order dated 27.02.2006 passed in W.C.No.48 of 2005 by the Deputy Commissioner for Labour-I (Commissioner for Workmen's Compensation-I), Chennai - 600 006 and pass an award for a sum of Rs.25,365/- against the Respondents by the Second respondent with interest at the rate of 12% P.A.from the date of accident.

For appellant : : Mr.A.Shanmugaraj

For Respondents : : No Appearance

J U D G M E N T

The appellant is the claimant, who is aggrieved by order dated 27.02.2006 passed by the Deputy Commissioner for Labour - I, (Commissioner for Workmen's Compensation - I), Chennai, in W.C.No.48 of 2005.

2 By the impugned order, the Deputy Commissioner of Labour - I, has awarded a sum of Rs.25,365/- and directed the second respondent to deposit the above compensation within 30 days, in default, direction was issued to deposit the above amount together with interest at 12% from the date of accident to till the date of deposit. Aggrieved by the same, the appellant is before this Court.

3 The learned counsel appearing for the appellant submits that the appellant met with an accident on 12.05.2000 and due to the same he sustained grievous injuries and due to

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which he lost his earning capacity.

4 The learned counsel submits that the Deputy Commissioner has erroneously fixed the disability at 10%, when the Doctor has assessed the disability to the tune of 20% and the Deputy Commissioner ought to have awarded interest at 12% from the date of accident.

5 When the matter is called, there is no representation for the respondents. I have considered the records of the case and the submissions made by the learned counsel appearing for the appellant.

6 The evidence of Doctor, who tendered evidence as P.W.3, has not stated that the appellant would no longer work as an Auto Driver. Therefore, I do not find any reason to interfere with the award passed by the Deputy Commissioner, but, at the same time I am inclined to interfere with the impugned order by directing the second respondent/Insurance Company to pay interest at 12% p.a. from the date of accident.

7 Accordingly, the second respondent is directed to deposit the amount awarded by the Deputy Commissioner of Labour - I, together with interest at 12% p.a. from the date of accident, immediately. With the above direction, the civil miscellaneous appeal is disposed of. No cost.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

Copy to: The Section Officer,
V.R. Section, High Court, Madras.

+1cc to Mr.A.Shanmugaraj, Advocate SR.92283(04/01/2021)

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CB(05/12/2019)

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