



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.431 of 2019

WEB COPY

R.Sivakumar

... Appellant/Petitioner

vs.

1)R.Sumathi

2)The Branch Manager,

National Insurance Company Ltd.,

63, West Prathakshanam Road,

Karur.

... Respondents/Respondents

(1st respondent is set Ex-parte in tribunal.

Hence, the 1st respondent may be dispensed with)

Prayer: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.34 of 2012 dated 29.03.2016.

For Appellant : Mr.N.Sudhagar Nagaraj

R1 : Exparte

For R2 : Ms.P.Malini

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the order of the Deputy Commissioner of Labour, Dindigul, made in W.C.No.34 of 2012 dated 29.03.2016.

2.The appeal was filed in respect of interest alone.

3.Today, when the matter was taken up for hearing, the learned counsel for the appellant would state that it is a settled law that the interest is to be calculated from the date of accident till the date of deposit, for which, he relied on the Judgment of this Court in C.M.A.(MD).No.303 of 2018, dated 18.06.2018, wherein the following Judgments referred to:

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).

Following the above decisions, this Court allowed the appeal in C.M.A(MD).No.303 of 2018 dated 18.06.2018 by modifying the order of the Deputy Commissioner of Labour, Dindigul, in W.C.No.48 of 2011



dated 05.12.2016 in respect of interest and the 2nd respondent therein was directed to pay the awarded compensation along with 12% simple interest from the date of accident till the date of deposit.

4. In view of the above, the present appeal is also allowed by modifying the order of the Deputy Commissioner of Labour, Dindigul, in W.C.No.34 of 2012 dated 29.03.2016 in respect of interest and 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. Accordingly, this Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

The Deputy Commissioner of Labour,
Dindigul.

+1 CC to M/s.P.MALINI, Advocate (SR-80289[F] dated 07/08/2019)
+1 CC to MR.N.SUDHAGAR NAGARAJ, Advocate (SR-80413[F] dated
07/08/2019)

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