

CMA.No.3051 of 2018

S.VAIDYANATHAN,J.

Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel appearing for the first respondent.

2. Learned counsel appearing for the first respondent pointed out that there are corrections in paragraph 10 of the judgment dated 18.02.2020 in the above Appeal.

3. Taking note of the said submissions, paragraph 10 of the judgment dated 18.02.2020 in the above Appeal is modified and substituted with the following:

"If the argument of the insurance company is accepted, then the employees, who return home, may face with a road accident and dies, may not be entitled to compensation and the purpose of theory of notional extension itself is defeated. As it is a personal injury occurred during the lunch hours, naturally the incident has got to be construed as arisen out of and in the course of employment and the employee would be entitled to the compensation, since the Act is a beneficial legislation, it cannot be disadvantageous to the employee or the dependents, when there is no dispute that there is a personal injury and the theory 'arising out of and in the course of employment' is need to be extended in this

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case, more particularly, in the light of the theory of notional extension. Hence, I am of the view that the order passed by the Authority is interfered with and the appellant is entitled to compensation from the Insurance Company, however injured will not be entitled to any interest on the amount, though liability is now fixed on the Insurance Company by this Court and that there was also a delay in approaching this Court by the employee. However, this Court makes it clear that, in case, the amount is not remitted within a period of 30 days from the date of receipt of a copy of this judgment, the employee would be entitled to interest @ 12% per annum from today till the actual date on which the amount is disbursed".

4. Except the above modification, remaining portion of the order dated 18.02.2020 stands unaltered.

**11.03.2020**

dpq

Registry is directed to carry out necessary corrections in the Order dated 18.02.2020 and issue fresh copy of the same before 16.03.2020

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**Issue order copy on 16.03.2020**