

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.825 of 2015

Mottai

.. Appellant/Appellant

vs.

1.SRM Development Limited,
No.2, Veerasamy Street,
West Mambalam,
Chennai District.

2.United India Insurance Company Ltd,
A5 & A6, II Floor,
No.27, Appasamy Towers,
Sir Thiagaraya Road,
Near Nagesh Theatre,
T.Nagar,
Chennai-500 017.

.. Respondents

(R1 remained ex-parte before the Forum)

PRAYER : Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, against the order dated 17.11.2011 made in W.C.No.225 of 2010 on the file of the Deputy Commissioner of Labour-II, Chennai.

For Appellant : Mr.A.Subadra

for Mr.F.Terry Chellaraja

For Respondent : R1-Ex-parte

Mr.J.Michael Visuvasam for R2

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J U D G M E N T

The award dated 17.11.2011 passed in W.C.No.225 of 2010 is under challenge in the present Civil Miscellaneous Appeal.

2. The claimant is the appellant and the claim petition was filed under Section 10 of the Workmen's Compensation Act seeking compensation on the ground that the appellant was employed by the first respondent as construction helper for a monthly salary of Rs.6,000/-. At the time of accident, the appellant was aged about 40 years. On 04.11.2009 at about 12.30 hours, the appellant while performing her duty as construction helper at S.R.M.Potheri IT Park Building in the 6th floor, she climbed on the stool and was doing her work. Suddenly, she fallen down on the floor from the stool and sustained grievous injuries all over the body. She was provided treatment as in-patient from 04.11.2009 to 27.11.2009. Thereafter, she continued his treatment and filed an application seeking compensation.

3. The Deputy Commissioner of Labour adjudicated the issues and found that the factum regarding the accident was established and the accident occurred during the course of employment. The employer/employee relationship was also established. Thus, the Deputy Commissioner of Labour awarded a compensation of Rs.2,21,004/-.

4. The learned counsel appearing for the appellant mainly contended that the appeal is filed only for the purpose of claiming interest from the date of accident. In respect of other issues, the appellant has no grievance at all. In view of the fact that the Statute provides that the interest is to be granted on expiry of 30 days from the date of accident, in the present case, the Deputy Commissioner of Labour has not considered the said provision under the Act. Therefore, the appellant is constrained to move the present appeal.

5. The learned counsel appearing for the respondent, though raised an objection, did not dispute the Statute provision as the same provides the grant of interest at the rate of 12% per annum from the date of expiry of 30 days from the date of accident.

6. Thus, this Court is inclined to consider the appeal for the purpose of grant of interest for the award amount alone. Accordingly, the appellant is entitled for the award amount granted by the Deputy Commissioner of Labour along with interest at the rate of 12% per annum from the date of expiry of 30 days from the date of accident. The second respondent/Insurance Company is directed to deposit the differential amount of interest within a period of 12 weeks from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the same by filing an application and the payments are to be made through RTGS.

7. Accordingly, the award dated 17.11.2011 passed in W.C.No.225 of 2010 is set aside to the limited extent of grant of interest of the award amount and in respect of the award amount, the said award stands confirmed and consequently, Civil Miscellaneous Appeal stands allowed in part. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

ssb

To

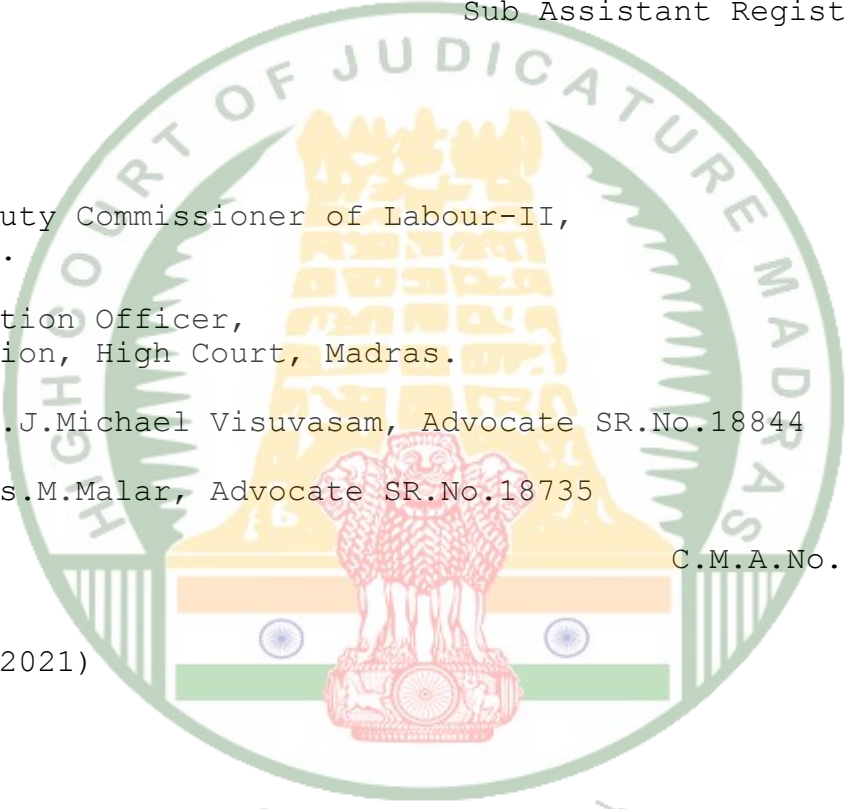
1. The Deputy Commissioner of Labour-II,
Chennai.
2. The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.J.Michael Visuvasam, Advocate SR.No.18844

+1cc to M/s.M.Malar, Advocate SR.No.18735

C.M.A.No.825 of 2015

BR(CO)
GMY (23/06/2021)



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