

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2551 of 2016

K. Muniappan

... Appellant/Petitioner

Versus

1.Easwaran

2.M/s. Saravanan & Gopalakrishnan

Partners Flat Promoters,

No.82, I Floor,

Arcot Road, Kodambakkam,

Chennai - 600 024

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen Compensation Act 1923, to allow this appeal and be pleased to enhance the amount awarded in E.C.No.219 of 2005 dated 26.09.2016 on the file of Commissioner for Workmen's Compensation-I, (Deputy Commissioner of Labour-I) Chennai.

For Appellant : Mr. K. Varadha Kamaraj

For Respondents :R1- Vacated
R2- No such person

J U D G M E N T

The learned counsel appearing on behalf of the appellant fairly made a submission that the appeal is filed only with reference to the interest awarded by the Deputy Commissioner of Labour on expiry of 30 days, if the award amount had not been deposited by the respondents. In other words, the award states that the opposite party should deposit the award amount, within a period of 30 days, failing which they are liable to pay interest at the rate of 12% per annum.

2. In view of the facts and circumstances, this Court is of the opinion that the statutory interest of 12% per annum is to be granted with effect from the date of accident. Accordingly, the appellant is entitled for the award amount of Rs.3,73,626/- along with the interest at the rate of 12% per annum with effect from the date of expiry of 30 days from the date of accident.

The second respondent/Saravanan & Gopalakrishnan Partners Flat Promoters, is directed to deposit the modified interest amount along with the award, within a period of 12 weeks from the date of receipt of copy of the judgment and on such deposit the appellant is permitted to withdraw the entire amount by filing an appropriate application and the payment sought to be made through RTGS. Thus, the award dated 26.09.2016 passed in E.C.No.219/2005 stands modified and CMA.No.2551/2016, stands allowed in part. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

Commissioner for Workmen's Compensation-I,
The Deputy Commissioner of Labour-I,
Chennai.

+lcc to Mr.K.Varadhakamaraj, Advocate Sr.3381

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sra[col]
srg 17/03/2021