

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE**

**PRESENT
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

C.M.A. NO: 203 OF 2011

Appeal under Section 30 of W.C.Act, against the Order in W.C.No.489 of 2003 NF dated 4/1/2011 on the file of the Court of the Commissioner for Workmen's Compensation and Deputy Commissioner of Labour, Nizamabad.

Between:

Smt. Dayagala Bagamma, W/o Rajaiah Occ: Labour R/o Chandrashekar Colony Nizamabad.

...APPELLANT

AND

1. Sri K.Srinivas, S/o Kishan, age; major Occ: Owner of Lorry bearing No. AAJ 8687, H.No.9-1-935, Chandrashekar Colony Nizamabad, District Nizamabad. (R1 dismissed vide Court Order dated 13/07/16)
2. The New India Assurance Company Limited, Rep.by its Divisional Manager, Divisional Office, Opp; ZP Office, Subashnagar, Nizamabad, District Nizamabad.

...RESPONDENTS

For the Appellant : SRI LAKKADI DAYAKAR REDDY, Advocate

For the Respondent No.1 : DISMISSED VIDE C.T. DATED 13/7/16

For the Respondent No.2 : SRI T.RAMULU, Advocate

The Court delivered the following: JUDGMENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM
CIVIL MISCELLANEOUS APPEAL No.203 of 2011

JUDGMENT:

This appeal is filed against the order dated 04.01.2011 passed by the Commissioner, Workmen's Compensation, in W.C.No.489 of 2003 NF.

Heard learned counsel for the appellant, and learned counsel for the respondent.

The only question which has been pressed for consideration is with regard to the date of payment of interest.

Whatever may be the position prior to the judgment of Hon'ble Supreme Court in **Oriental Insurance Company v. Siby George**¹, finality was given in **Siby George (1 supra)** with respect to the issue that compensation amount falls due and payable as on the date of accident. This was in line with the judgment of Supreme Court in **Pratap Narain Singh Deo v. Srinivas Sabata**².

My learned brother Justice A. Rajasheker Reddy had elaborately considered all the judgments cited by both the appellants as well as respondents in C.M.A.No.871 of 2015, and by order dated 04.12.2015 had held that the appellant/claimant is entitled to interest at 12% per annum from the date of accident till the date of realisation. However, though the amount of compensation is due on the date of accident, the liability to pay interest arises only after one month from the date of accident. This is on account of Section 4A(3) of the Workmen's Compensation Act, 1923.

¹ (2012) 12 SCC 540

² (1976) 1 SCC 289

With respect to the contention of learned counsel for insurance company Sri T. Ramulu that the insurance company may not be mulcted with liability in cases where the appeal against the owner stood dismissed and the owner having not been made a party respondent, the said contention is liable to be rejected for the reason that the issue had already been dealt in C.M.A.No.871 of 2015, dated 04.12.2015, by referring to the judgment of Division Bench of this Court in **Meka Chakra Rao v. Yelubandi Babu Rao @ Reddemma**³. The judgment of Division Bench being binding on this Court, and there being no reason for this Court to differ with the rationale in **Meka Chakra**, the contention of the learned counsel for insurance company is rejected.

Accordingly, the civil miscellaneous appeal stands disposed of. It is made clear that wherever the compensation amount has been deposited in pursuance of the orders of Commissioner, the payment of interest shall be reckoned from one month after the date of accident till the date of deposit. No costs. Miscellaneous applications, if any pending, shall also stand closed. No costs.

³ 2001 (1) ALD 453

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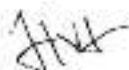
Sd/-K.SREENIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To

1. The Commissioner for Workmen's Compensation and Deputy Commissioner of Labour, Nizamabad. (with records)
2. One CC to Sri Lakkadi Dayakar Reddy, Advocate (OPUC)
3. One CC to Sri T.Ramulu, Advocate (OPUC)
4. Two CD Copies

KJ.



HIGH COURT

DATED:09/02/2021



ORDER

CMA.No.203 of 2011

DISPOSING OF THE CMA, WITHOUT COSTS.

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5/3/21
HVS