



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A(MD)No.487 of 2020

and

CMP(MD) No.5384 of 2020

WEB COPY

The Manager,
Reliance General Insurance Company Limited,
Anna Nagar,
Madurai.

Appellant/ Respondent 2

Vs.

1.C.Thangapandi

Respondent 1/Petitioner

2.T.Vallimuthu

Respondent 2/Respondent 1

PRAYER: Civil Miscellaneous Appeal filed under Section 30 of the Workmen Compensation Act, to set aside the order dated 31.12.2019 passed in E.C.No.52 of 2008, on the file of the Commissioner for Employees Compensation Court at Madurai.

For Appellant	:Mr.V.Sakthivel
For R1	:Mr.J.Sankara Pandian
For R2	:No appearance

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the order dated 31.12.2019 passed in E.C.No.52 of 2008, on the file of the Commissioner for Employees Compensation Court at Madurai.

2. By consent of both parties, this Civil Miscellaneous Appeal is taken up for disposal at the admission stage itself.

3.The Insurance Company is the appellant herein challenging the award passed in E.C.No.52 of 2008, mainly on the ground that the Commissioner has awarded compensation to the claimants for the default period also.

4.The Workman Compensation Commissioner, by order dated 31.12.2009 allowed W.C.No.52 of 2008 filed by the claimant, holding that there is an employer employee relationship between the claimant and the first respondent, who is said to be the owner of the vehicle and injury sustained by the claimant was during the course of employment and awarded a sum of Rs.1,89,650/- as compensation along with interest at the rate of 12%, from the date of accident, following the judgment of the Honourable Supreme Court in Pratap Narain Singh Deo Vs. Srinivasa Sabata reported in 1976(1) SCC 289



and the judgment reported in 2012 (3) LLN 510 (SC) Oriental Insurance Company Limited Vs.Sibi George and others. Aggrieved over the same, the Insurance Company is before this Court with the present Civil Miscellaneous Appeal.

5.After hearing the argument of the learned counsel appearing for the claimant for a while, this Court finds that rate of interest was awarded from the date of petition. The lower Court records shows that Workmen Compensation petition was dismissed on 18.11.2009 and the same was restored to file on 05.01.2015, thereby, a delay of 1874 days. Therefore, the petitioner is not entitled for any interest for the said period. In all other aspects, the compensation awarded by the petitioner is in accordance with law.

6.In view of the above, the compensation awarded by the Commissioner is upheld except the interest portion. The claimant is not entitled for interest for the period from 18.11.2009 to 05.01.2015.

7.With the above modification, the Civil Miscellaneous Petition is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn
To

1.The Commissioner for Employees Compensation Court,
(Commissioner of Labour), Madurai.

COPY TO:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-5296[F] dated 10/02/2022)

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RD(09.03.2022) 2P 5C