

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

**THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE M.LAXMAN

CIVIL MISCELLANEOUS APPEAL NO. 589 OF 2011

Appeal filed Under Section 30 of Workmen's Compensation Act, to modify the order dated 25.02.2011 in W.C.No.50 of 2003 on the file of the Commissioner for Workmen's Compensation and Deputy Commissioner of Labour at Nizamabad.

Between:

P.Venkateshwar Goud @ Venkatesham Goud, S/o.Kista Goud, aged 37 Years,
Occ: Ex-Lorry-Driver, R/o.Yellareddy [V] & [M], Nizamabd District.

...Appellant/Claimant.

AND

1. Chakradhar, S/o.Ramkishan, Aged Major, Occ: Lorry Owner, R/o.H.No.3-4-3, Yellareddy [M], Nizamabd District, A.P.
2. United India Assurance Co., Ltd, rep. by Branch Manager, H.No.1-11-121/1, Station Road, Kamareddy, Nizamabad District, A.P.

...Respondents/Respondents.

Counsel for the Appellant: M/s. K.Sarala Mahender Reddy.

Counsel for Respondent No.1: Sri Y.S.Yella Nand Gupta.

Counsel for Respondent No.2: Sri N.J.Sunil Kumar.

The Court made the following: **ORDER**

Order instead of date of accident, as held by the Hon'ble Apex Court in **Saberabibi Yakubhai Shaikh's** case (supra).

12. In the light of the above Judgment of Hon'ble Apex Court, cited supra, the claimant is awarded 12 % interest per annum from the date of accident, on the compensation amount till the date of realization.

13. The other contention of the learned counsel for the Insurance Company is that there is doubt over the disability certificate on account abnormal delay in producing the same. This Court would have considered the above contention, if cross-objections are filed by the Insurance company, since there is no cross-objections, the Insurance Company cannot agitate on this aspect, here. Therefore the said contention is rejected.

14. The total compensation awarded is as follows:
$$\text{Rs.3,500/-} \times 60/100 \times 60/100 \times 207.98 = \text{Rs.2,62,054.8} -$$

Rs.2,37,721.14 = Rs.24,333.66/- which is rounded off to Rs.24,334/-. The balance to be paid is Rs.24,334/-, therefore, the respondents are liable to pay such amount.

15. In the result, this Civil Miscellaneous Appeal is partly allowed. The compensation, awarded by the Commissioner is enhanced from Rs.2,37,721/- to Rs.2,62,054/-. The respondents are directed to pay @ 12% per annum interest from the date of accident excluding 30 days till the date of realization. In the circumstances, no costs.

Miscellaneous petitions, if any, pending in this Civil Miscellaneous Appeal, shall stand closed.

//TRUE COPY//

SD/-B.S.CHIRANJEEVI
JOINT REGISTRAR


SECTION OFFICER

To,

1. The Commissioner for Workmen's Compensation and Deputy Commissioner of Labour at Nizamabad. (with record)
2. One CC to M/s. K.Sarala Mahender Reddy, Advocate [OPUC]
3. One CC to Sri Y.S.Yella Nand Gupta, Advocate [OPUC]
4. One CC to Sri N.J.Sunil Kumar, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

JCK



HIGH COURT

DATED: 24/03/2022



JUDGMENT

CMA.No.589 of 2011

PARTLY ALLOWING THE C.M.A.

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K.M.A.
10/6/2022

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
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PRESENT

THE HONOURABLE SRI JUSTICE M.LAXMAN

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Station Road, Kamareddy, Nizamabad District, A.P.

...Respondents/Respondents.

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order dated 25.02.2011 in W.C.No.50 of 2003 on the file of the Commissioner for
Workmen's Compensation and Deputy Commissioner of Labour at Nizamabad.

This appeal coming on for hearing and upon perusing the grounds of appeal,
the Order and the material papers in the Case and upon hearing the arguments of
M/s. K.Sarala Mahender Reddy, Advocate for the Appellant and Sri Y.S.Yella Nand
Gupta, Advocate for the Respondent No.1 and of Sri N.J.Sunil Kumar, Advocate for
the Respondent No.2.

This Court doth Order and Decree as follows:

1. That this Appeal be and hereby is partly allowed.
2. that the amount of Rs. 2,37,721/- as awarded is be and hereby enhanced to
Rs. 2,62,054/- (Rupees two lakhs sixty two thousand and fifty four only).
3. that the respondents are directed to pay @12% per annum interest from the date
of accident excluding 30 days till the date of realization; and
4. that there shall be no order as to costs in this Appeal.

SD/-B.S.CHIRANJEEVI
JOINT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The Commissioner for Workmen's Compensation and Deputy Commissioner
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HIGH COURT

DATED:24/03/2022

DECREE

CMA.No.589 of 2011

PARTLY ALLOWING THE C.M.A.

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REMA
10/8/2022