



C.M.A.No.1397 of 2003

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 12.06.2023

CORAM

**THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN**

C.M.A.No.1397 of 2003

V. Lawrence

.. Appellant

Versus

1.Moses Cabs  
C 39-2<sup>nd</sup> Avenue  
Anna Nagar  
Chennai-600 040.

2.The National Insurance Company Ltd.,  
No.751, Anna Salai  
Chennai-600 002.

..Respondents

Civil Miscellaneous Appeal is preferred under Section 30 of the Workmen's Compensation Act, against the order dated 20.06.2001 made in WC No.56 of 2000 on the file of the Commissioner for Workmen's Compensation-I, Chennai and the same has been received by the appellant on 24.08.2001 and praying to set aside the same.

|                 |                           |
|-----------------|---------------------------|
| For Appellant   | : Mr. A.Shanmugaraj       |
| For Respondents | : Mr. D. Bhaskaran for R2 |
|                 | No Appearance for R1      |

**J U D G M E N T**

The order dated 20.06.2001 passed in WC No.56 of 2000 on the file of the Commissioner for Workmen's Compensation-I, Chennai-600 006, is



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under challenge in the present Civil Miscellaneous Appeal.

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2. The Commissioner for Workmen's Compensation-I, Chennai, under the impugned order, has awarded a compensation of Rs.57,728/- without awarding any interest. Challenging the same, the claimant has filed this appeal seeking to award interest at the rate of 12% per annum from the date of accident till payment.

3. The learned counsel appearing on behalf of the appellant mainly contended that the Commissioner for Workmen's Compensation-I ought to have awarded interest at the rate of 12% from the date of accident under Sec.4A (3) of W.C Act and as per the reported judgment of Supreme Court and other Courts in i) **1998 ACJ page-I (SC)**, 2) **AIR 1976 (SC) 222**, 3) **1997 LAB IC 891**, 4) **1995 LAB IC 677**, 5) **2000 (1) ACC 125**. However, while awarding compensation, no order for payment of interest was made. Hence, he prays to set aside the impugned order dated 20.06.2001 and pass an award for a sum of Rs.57,728/- payable by the second respondent with interest at the rate of 12% per annum from the date of accident.

4. The learned counsel for the second respondent/Insurance Company submitted that the accident had occurred prior to the date of amendment of the



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Workmen's Compensation Act and therefore, the claimant is entitled to interest only at 6% per annum for the awarded amount and not at 12% per annum as claimed.

5. From the materials available on record, it is seen that the accident had occurred on 28.08.1995. Since the accident had occurred prior to the date of amendment (i.e 15.09.1995) of Workmen's Compensation Act, the claimant is entitled to interest only at 6% per annum from the date of accident till the date of deposit.

6. Accordingly, the appellant is entitled to a compensation of Rs.57,728/- (Rupees Fifty Seven thousand seven hundred and twenty eight only) along with interest at the rate of 6% per annum from the date of claim petition till the date of deposit.

7. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The second respondent/insurance company is directed to deposit the compensation of Rs.57,728/- with interest at the rate of 6% p.a. from the date of claim petition till the date of realization, less the amount if already



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deposited, within a period of six weeks from the date of receipt of a copy of this judgment.

(iii) On such deposit, the appellant/claimant is permitted to withdraw the entire award amount by filing an appropriate application and the payments are to be made through RTGS.

12.06.2023

Index : Yes/No  
Speaking Order/Non-Speaking Order  
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To

1. The Commissioner for Workmen's Compensation-I, Chennai
2. The Section Officer,  
V.R Section,  
High Court, Madras.



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**A.A.NAKKIRAN, J.**

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