

(2017) 03 GAU CK 0038
In the Gauhati High Court
Case No : 74 of 2009

New India Assurance Co. Ltd.

APPELLANT

Vs

Smt. Anupama Singha & Anr.

RESPONDENT

Date of Decision : 14-03-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 427](#),
[Section 427](#), [Section 279](#), [Section 279](#),
[Section 279](#), [Section 336](#), [Section 336](#), [Section 336](#)

Citation : (2017) 03 GAU CK 0038

Hon'ble Judges : S. Serto

Bench : SINGLE BENCH

Advocate : A. Ahmed, A.R. Agarwala

Judgement

1. This is an appeal under section 30 of Workmen's Compensation Act, 1923, against the Judgment and Award dated 25.06.2009, of the Commissioner, Workmen's Compensation, Dhubri, Assam, passed in WC Case No. 40 of 2007.

2. The appeal is limited to the date from which interest is made payable by the Ld. Commissioner, Workmen's Compensation, Dhubri to the respondent/claimant No. 1. The brief background of the case is as follows: On 07.03.2007, at about 7:45 pm, son of the respondent No. 1, namely, Late Mithun Singha who was employed as handyman by the respondent No.2, namely, Dipak Burman of Bordoloi Nagar, Tinsukia, in his bus, Registration No. AS+01/S-1112, was on the bus which was moving from Guwahati to Doomdooma, in the course of his employment. And while the bus was on its onward journey and reached near Gosanibargaon, under Kohora Out Post, suddenly dash against one truck which was parked on the road. Due to that Late Mithun Singha sustained severe head injury and while he was being taken to Guwahati for treatment, died on the way. Following the incident a police case was registered being GDE No. 124, dated 08.03.2007, at Bokakhat P.S. under Section 279/304-A/427/336 of IPC, and thereafter, postmortem was conducted on the dead body at Golaghat Hospital.

The mother of the deceased namely Smt. Anupama Singha who is respondent No. 1, herein filed a claim petition before Commissioner, Workmen's Compensation, Dhubri, Assam. The Ld. Commissioner, after trying the case, granted the prayer of the respondent/claimant and awarded a sum of Rs. 4,48,000/- with interest @ 6% per annum on the award amount from the date of accident i.e. 08.03.2007, till the date of actual realization of the awarded amount.

3. Being aggrieved the appellant who is the insurance company has approached this High Court with a limited scope of appeal challenging the judgment and award claiming that the interest ought to have been made payable only from end of one month after the date of adjudication/judgment.

4. I have heard both the Ld. Counsel for the appellant as well as the Ld. Counsel for the respondent/claimant. The law is well settled on the issue raised by the appellant. The words "falls due" in Section 4A (1) of the Workmen's Compensation Act, 1923, has been interpreted as the from date of adjudication/judgment. In catena of cases the Apex Court and the High Courts in the country have ruled that interest shall become due on completion of one month from the date of adjudication i.e. the date the judgment is announced. Some of the cases in which the settled principle of law has been followed are given hereinunder for reference: i) National Insurance Co. Ltd. v. Mubasir Ahmed and another, reported in (2007) 2 SCC 349;

ii) Oriental Insurance Company limited v. Siby George and Others, reported in (2012) 12 SCC 540; and

iii) New India Assurance Company Limited v. Birsha Samura and Others, reported in (2013) 1 GLR 158.

In view of the settled law, the appeal is allowed and the impugned judgment and award is modified to the extent that the interest shall be payable after one month from the date of judgment and award passed by the Ld. Commissioner, Workmen's Compensation, Dhubri, Assam. Appeal is disposed. Appeal allowed.