

P. Meenaraj vs P. Adigurusamy on 6 January, 2022

Bench: Dinesh Maheshwari, Vikram Nath

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 209 OF 2022
(Arising out of SLP (C) No. 27705/2018)

P. MEENARAJ

VERSUS

P. ADIGURUSAMY & ANR.

ORDER

1. We have heard learned counsel for the parties finally at this stage itself.
2. Leave granted to the limited extent indicated hereinbelow.
3. The appellant has questioned the judgment and order dated 23.02.2017, as passed by the High Court of Judicature at Madras in C.M.A. No. 321 of 2017.
4. The relevant background aspects are that on 29.05.2010, the appellant, being an employee (driver) of the 1 st respondent, suffered injuries in the course of employment and made a claim for compensation by way of Claim Petition No. 549 of 2010 under Section 10 of the Employees' Compensation Act, 1923, before the Commissioner concerned, who awarded a sum of Rs. 4,76,898/- (Rupees Four Lakhs Seventy-Six Thousand Eight Hundred and Ninety Eight) as compensation to the appellant with a direction to the 2 nd Date: 2022.01.19 14:38:55 IST Reason:

respondent/insurer to deposit/pay the amount within 30 days from the date of receipt of copy of the order, failing which, to pay interest at the rate of 12% p.a. after the expiry of 30 days from the date of accident.

5. It appears that before the High Court, the only question raised on behalf of the appellant was as to the date from which interest fell due, as specifically noticed in paragraphs 3 and 4 of the impugned judgment. The High Court referred to an earlier decision of that Court in the case of M. Rajamanickam v. G. Shivasankar and Anr. (C.M.A. No. 166 of 2014) wherein, with reference to a decision of this Court in the

case of Pratap Narain Singh Deo v. Shrinivas Sabata and Anr.: AIR 1976 SC 222, the High Court had held that in such compensation cases, if the compensation is not paid within the statutory period of 30 days, the liability of interest commences after the expiry of 30 days from the date of accident.

6. With reference to the above, the High Court decided in the present matter too, that the appellant would be entitled to interest after the expiry of 30 days from the date of accident.

7. Learned counsel for the appellant has attempted to argue before us that the compensation as awarded in this matter remains inadequate and the High Court has not considered that the present one had been a case of 100% disablement and not 65%, particularly looking to the nature of injuries. Secondly, learned counsel for the appellant has submitted that interest ought to be allowed from the date of accident and not 30 days after the accident. In regard to this limb of submissions, learned counsel has referred to the decisions in Pratap Narain Singh Deo (supra) as also to the decisions in Oriental Insurance Company Ltd. v. Siby George and Ors.: (2012) 12 SCC 540 and Saberabibi Yakubbbhai Shaikh and Ors. v.

National Insurance Company Ltd. and Ors.: (2014) 2 SCC 298.

8. Learned counsel for the respondents has opposed with the submissions that the question of quantum of compensation was not agitated before the High Court and cannot be allowed to be raised before this Court in this appeal by special leave. As regards the question of interest, learned counsel would argue that the view taken by the High Court appears to be justified, particularly when that the same view had been taken by that High Court in a previous matter.

9. As regards the first limb of submissions on the quantum of compensation, we are clearly of the view that the compensation awarded by the Commissioner was neither grossly inadequate nor any such question was raised before the High Court. Rather, the judgment impugned specifically records that only the question of interest was raised in appeal. That being the position, we are not persuaded to allow the appellant to agitate the question of quantum of compensation now in this appeal.

10. As regards the date of commencement of the liability of interest, the learned counsel for the appellant appears to be right that even in the case of Pratap Narain Singh Deo (supra), this Court has not laid down the law that the interest would be payable only 30 days after the accident. In our view too, the said statutory period of 30 days does not put a moratorium over the liability of interest. Such interest is related with the amount of compensation receivable by the claimant and there appears no reason for not allowing interest for 30 days from the date of accident. In fact, in the referred decisions too, this Court has allowed interest from the date of accident. That being the position, the questioned part of the order of the High Court calls for interference and the same is modified to the extent that the appellant would be entitled to interest from the date of accident.

11. The appeal is allowed to the extent and in the manner indicated above.

No costs.

.....J. (DINESH MAHESHWARI)J. (VIKRAM NATH)
NEW DELHI;

JANUARY 6, 2022.

ITEM NO.29

Court 14 (Video Conferencing)

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 209 of 2022 arising out of Petition for Special Leave to Appeal (C) No. 27705/2018 (Arising out of impugned final judgment and order dated 23-02-2017 in CMA No. 321/2017 passed by the High Court of Judicature at Madras) P. MEENARAJ Petitioner VERSUS P. ADIGURUSAMY & ANR. Respondent Date : 06-01-2022 This petition was called on for hearing today. CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI HON'BLE MR. JUSTICE VIKRAM NATH For Petitioner(s) Mr. T. Harish Kumar, AOR For Respondent(s) Ms. Archana Pathak Dave, AOR Mr. Kumar Prashant, Adv.

Mr. Avnish Dave, Adv.

Ms. Vanya Gupta, Adv.

Mr. Pramod Kumar Vishnoi, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is allowed in terms of the Signed Order. All the pending applications stand disposed of.

(SHRADDHA MISHRA)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
BRANCH OFFICER

(Signed Order is placed on the file)