THE HIGH COURT OF TRIPURA

A G A R T A L A

MFA(WC) No. 17 of 2009

Appellant :

Shri Dilip Chandra Chanda,
S/o. Late Haradhan Chanda, Resident of Village-Murapara, P.S-Kakraban, Udaipur, South Tripura District.

By Advocate :

Mr. T.D. Majumder, Adv.

Respondents :

1. Shri Anil Debnath,
S/o. Late Raj Kumar Debnath, resident of Purba Dwajanagar, P.S- R. K. Pur, Udaipur, South Tripura District.

2. Shri Kanu Das,
S/o. Late Sunil Das, Resident of Village-Baishnabirchar, Jamjuri, P.S-Kakraban, Udaipur, South Tripura District.

3. National Insurance Co. Ltd.,
Represented by its Branch Manager, Udaipur Branch, at Central Road, P.S- R. K. Pur, Udaipur, South Tripura District.

By Advocate :

Mr. P. Gautam, Adv.

B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **24th February, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation has been filed by the claimant-workman is directed against the award dated 16th March, 2009 passed by the learned Commissioner, Workmen's Compensation, South Tripura, Udaipur in case No. T.S. (W.C) 4 of 2008, whereby he awarded Rs.1,82,000/- in favour of the claimant-workman.

[2] The main argument raised on behalf of the claimant is that since he has lost vision in one eye he has become permanently disabled and is unable to earn any amount and therefore, the Tribunal has wrongly assessed the compensation by taking the loss at 30%. In this regard, it may be stated that the claimant has not produced any medical evidence to show that his disability is more than that certified by the medical authorities.

[3] Further more this is a case where the claimant was a helper. There is nothing in law or even in normal practice which prevents a one eyed person from being a helper on a truck. It cannot be said that the claimant suffered 100% disability. Unfortunately, he has lost vision in one eye but he is otherwise absolutely fit to carry out all normal pursuits. Therefore, the assessment should have been by taking the loss at 30% only. In fact I find that what has been granted to the claimant is much more than what was due to him because the method adopted is totally wrong. However, since no appeal has been filed by the insurance company, I need not go into that aspect of the matter.

[4] The appeal is disposed of in the aforesaid terms. No order as to costs.

Send down the LCRs forthwith.

CHIEF JUSTICE