

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 1207 OF 2015
WITH
CIVIL APPLICATION NO. 6821 OF 2015**

M/s Ceekay Daikin Limited,
(Presently known as exedy India Ltd)
L-4, MIDC Industrial Area,
Chikalthana, Aurangabad.

...Appellant

versus

Vinod Pralhad Farkade,
N-12, D-30/11, HUDCO,
Swami Vivekanand Nagar,
Aurangabad.

...Respondent

.....
Mr. B. R. Kawre, Advocate for Appellant
Mr. A. A. More, Advocate for Respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 10th AUGUST, 2015

ORAL ORDER :

The question that is sought to be raised by Mr. Kawre, learned Counsel for the employer is, whether benefits which are already given to the employee who suffered accident and claimed compensation under the Workmen's Compensation Act, 1929 should be adjustable while awarding the claim under the Workmen's Compensation Act.

2. In addition to above, he would canvass that the certificate of disability though certifies degree of disability of 35%, however the disability as is provided in the Schedule-I to the Act speaks of only 20% for loss of two fingers and should have been accepted.

3. It is required to be noted here that so far as first submission about the set-off as sought to be claimed by learned Counsel for the appellant for payment of compensation under other statute, it is required to be noted that the benefits which are passed on to the claimant pursuant to the provisions of other statute are not required to be adjusted under the claim to which the claimant is entitled under Workmen's Compensation Act. The law on the above referred issue is well settled.

4. The next submission as regards entry in the Schedule-I about disability certificate, it is required to be noted that the certificate at page-23 which was part and parcel of the proceedings before Labour Court was duly accepted/admitted by employer. Once the said document is admitted by employer, it is not open for the appellant to canvass that degree of disability should be 20% only. Panel of Doctors have already certified the degree of

disability to the extent of 35%.

5. In view thereof, in my opinion, no question of law is noticed. The appeal fails, same stands dismissed. Consequently, civil application stands disposed of.

[N.W. SAMBRE, J.]