

FAO No. 936 of 1992 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 936 of 1992 (O&M)

Date of Decision: November 04, 2015

The Oriental Insurance Company Ltd.

...Appellant

Versus

Krishan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rohit Goswami, Advocate for
Mr. D.P. Gupta, Advocate
for the appellant.

None for the respondents.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this appeal is to the award passed by the Commissioner, Workmen's Compensation Act, Rohtak, dated 31.03.1992, by which, the application filed by Krishan-respondent No.1 has been accepted and he has been granted compensation alongwith interest for the partial disability of 25% which he suffered during his employment.

It is the contention of the learned counsel for the appellant that the disability which has been incurred by the respondent-workman was not of such a nature as it would impair his working capacity and that the same was only a partial disability.

There is no evidence on record which would indicate that the

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disability was of such a nature as it would effect his capacity of work. He, accordingly, contends that the award dated 31.03.1992 passed by the Commissioner, Workmen's Compensation Act, Rohtak, cannot sustain and deserves to be set aside.

I have considered the submissions made by the learned counsel for the appellant and with his assistance have gone through the impugned award but cannot accept the same.

The evidence which has been brought on record clearly establishes that Krishan-respondent No.1 has suffered a partial disability to the extent of 25%. In the cross-examination, nothing has come on record which would indicate that it had not impaired his ability to work. In the absence of any contrary evidence to the statement of the workman and the evidence brought by him on record, the same has to be accepted. The appeal, therefore, is devoid of merit deserves to be dismissed.

The appeal, therefore, stands dismissed.

November 04, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**