

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
MACMA MP No.2695 of 2010 in MACMA No. 119 of
2016 & MACMA No. 119 of 2016

COMMON ORDER :

Heard. Delay in filing the appeal is condoned subject to condition that the interest shall be payable on the enhanced amount, if any, from today only.

2) At request of both sides the appeal is taken up for hearing and perused the material on record. So far as the earnings of Rs.5,000/- per month by disbelieving the so called working in the private entity as a salesman under Ex.A-13 from the evidence of P.Ws 3 and 4 with reference to Ex.B-1 document showing when letter addressed by the insurer to such entity shown not in existence at the address and even the salary certificate deduction of provident fund contribution, there is no P.F account even when ascertained and P.W-4 admitted not having any provident fund account and when such is the case, question of taking from salary P.F contribution does not arise. The Tribunal rightly not believed the salary certificate and arrived Rs.5,000/- per month by estimated the earnings and from the 40% disability of the amputation of the right leg below knee under Workmen Compensation Act that also certified under Ex.A-11 by P.W-2, arrived the disability reasonably therefrom and the claim of 100% disability being a salesman is untenable besides for no

proof of working as salesman from what is discussed supra. So far as the artificial limb concerned, it is the claim of Rs.1,42,400/- under Ex.A-12 estimate and the Tribunal for that granted Rs.50,000/- and in future replacement also it requires from the age of the injured at 30 years including from the said requirement, this Court feels enhancement from Rs.5,60,000/- awarded by the Tribunal to Rs.6,25,000/- and in other respects the award of the Tribunal holds good.

3) In the result, the appeal is partly allowed by enhancing the compensation from Rs.5,60,000/- to Rs.6,25,000/- with interest at 7.5% p.a. The interest on the enhanced amount shall be payable from today only. Rest of the terms of the award of the Tribunal holds good. There is no order as to costs.

4) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19.01.2016

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