

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

**C.M.A.No.578 of 2004**

**JUDGMENT:**

This Appeal is preferred by Opposite Party No.2/Insurance Company aggrieved by the Award Dt.03.12.2003 in W.C.No.47 of 2002 passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-I , Guntur, awarding Rs.46,790/- against the claim of Rs.2,50,000/-.

2. The claimant, who was working as Lorry Cleaner, suffered injuries during the course of his employment and thus claimed compensation of Rs.2,50,000/- against Opposite Party Nos.1 and 2, who are the owner and insurer of the lorry in which he was working as cleaner.

3. The Award shows that the Claimant suffered injuries in the resultant accident. AW.II-Dr. V. Somanadnam, Professor of Ortho, Sidhartha Medical College, Vijayawada, deposed that the claimant suffered fracture of Condyle right Tibia. AW.II further deposed that his examination of the claimant showed that he is not able to sit freely as his right knee joint is bending and flexion is limited by 10% and he assessed the disability at 10% as permanent and partial. The Commissioner, after considering the evidence, opined that the petitioner is in his prime youth and there will a possibility to attend

his labour work and ultimately granted a sum of Rs.46,790/- under different heads.

4. Heard arguments of Sri M. Satish Reddy, learned counsel for Appellant/Insurance Company. No representation for the respondents/claimants.

5. Learned counsel for Appellant argued that the compensation awarded was highly exorbitant and needs to be scaled down.

6. Having regard to the fact that the claimant suffered fracture of Condyle right Tibia was not disputed, the compensation awarded is considered as reasonable and therefore, this Court finds no reason to interfere with the compensation awarded by the Commissioner.

7. Accordingly, this Civil Miscellaneous Appeal is dismissed confirming the Award dt. 3.12.2003 in WC No.47 of 2002 on the file of Commissioner, for Workmen's Compensation and Assistant Commissioner of Labour-I. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

---

**U.DURGA PRASAD RAO, J**

Date: 19.10. 2016

eha

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

C.M.A.No.578 of 2004

Dt.19.10.2016



eha