

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 34725 OF 2011

The Oriental Insurance Co Ltd	...Appellant
<i>Versus</i>	
Ramshabad Ramkrishan Yadav & Anr	...Respondents

Ms Poonam Mittal, *for the Appellant.*
Mr TJ Mendon, *for the Respondent No. 1.*

CORAM: G.S. PATEL, J
DATED: 25th July 2017

PC:-

1. Section 30 of the Employees' Compensation Act 1923 and, specifically, the proviso to sub-section 1 of Section 30, makes it clear that no appeal lies against any order under that Act unless a substantial question of law is involved in the appeal. The only grounds taken are as to the rate or interest and whether taking disability at 100% was correct.

2. These grounds do not raise any question of law at all, let alone one that can fairly be said to be substantial. The rate of interest is always discretionary within the statutory limits, if any.

3. As to the question of disability, it is well settled that a partial physical disability might well result in a complete functional or operational disability.
4. Therefore, there is no substantial question of law.
5. The First Appeal is dismissed. No costs.

(G. S. PATEL, J)