

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.944 of 2004

JUDGMENT:

Aggrieved by the grant of compensation of Rs.62,394/- as against a claim of Rs.2,50,000/- by the Commissioner for Workmen's Compensation-cum-Assistant Commissioner of Labour-I, Guntur, vide order, dated 19.09.2003, passed in W.C.No.13/2001, the applicant preferred this appeal under Section 30 of the Workmens' Compensation Act, 1923, seeking enhancement of compensation.

2. Heard the learned counsel for both sides and perused the record.

3. The learned counsel for the appellant-applicant would contend that though the appellant-applicant suffered 100% disability in the subject accident, the learned Assistant Commissioner of Labour erred in taking in the disability suffered by the appellant-applicant as 25% and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2<sup>nd</sup> respondent-Insurance Company would contend that the learned Assistant Commissioner of Labour had taken all the relevant factors into consideration and awarded just and reasonable amount as compensation. There are no circumstances to enhance the same and ultimately prayed to dismiss the appeal.

5. As per the evidence and the material placed on record, the appellant-applicant suffered 25% disability in the subject accident. He was working as driver under the employment of the 1<sup>st</sup> respondent-owner of the offending vehicle as on the date of accident. The Tribunal had taken the same into consideration and awarded an amount of Rs.62,394/- towards compensation. There is nothing wrong in taking the disability suffered by the appellant-applicant as 25% and applying relevant factors to the age of the appellant-applicant. In view of the circumstances, 100% disability cannot be taken. There are no circumstances to interfere with the impugned Award and enhance the compensation. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

18<sup>th</sup> July, 2018  
Bvv