

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.3031 of 2004

JUDGMENT:

This appeal, under Section 30 of the Workmens' Compensation Act, 1923 ('the Act', for brevity) is filed by the appellant/United India Insurance Company Limited, challenging the order, dated 21.06.2004, passed in W.C.No.7 of 2003, by the Commissioner for Workmens' Compensation-cum-Assistant Commissioner of Labour-IV, Hyderabad.

2. Heard the learned Standing Counsel for the appellant-Insurance Company, the learned counsel for the 1st respondent/applicant and perused the record.

3. The learned Standing Counsel for the appellant-Insurance Company would submit that the learned Assistant Commissioner of Labour had assessed, calculated and awarded a compensation of Rs.2,51,592/- in favour of the 1st respondent/applicant, who was working as a cleaner on the lorry bearing registration No.AP-28-T-2997 under the employment of 2nd respondent, for the injuries suffered by him in the motor accident occurred on 14.12.2002, which is excessive and ultimately prayed to allow the appeal by setting aside the Order under challenge.

4. On the other hand, the learned counsel for the 1st respondent/applicant would contend that both legs of the 1st respondent/applicant were amputated in the subject road accident. The learned Assistant Commissioner of Labour-IV, Hyderabad, awarded just and reasonable amount as compensation. There is

nothing to vary the same and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. It is evident from the record that the 1st respondent/applicant was working as a cleaner on the lorry bearing registration No.AP-28-T-2997 under the employment of 2nd respondent (owner of the lorry) and sustained injuries in the motor accident occurred on 14.12.2002 in the course of his employment due to the rash and negligent driving of the driver of the said lorry. The learned Assistant Commissioner of Labour-IV, Hyderabad, after analysing the entire evidence on record, granted a compensation of Rs.2,51,592/- to the 1st respondent/applicant. Grant of said compensation by the learned Assistant Commissioner of Labour-IV, Hyderabad, in favour of the 1st respondent/applicant is justified in view of the injuries sustained by him in the subject road accident and in view of amputation of right leg up to knee and amputation the left leg above the ankle. There is nothing to take a different view. The contentions raised on behalf of the appellant-Insurance Company do not merit consideration. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

02nd July, 2018
Bvv

Dr. SHAMEEM AKTHER, J