

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 2667 of 2007 (O&M)
Date of decision : March 20, 2018

United India Insurance Company

..... Appellant

v.

Mauj Khan and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Manmohan, Advocate
for the appellant.

None for respondent No.1.

Ajay Tewari, J (Oral)

This appeal has been listed because respondent No.2 was not served. Counsel for the appellant has argued that service on respondent No.2 may be exempted since his claim is against respondent No.1. As per him, respondent No.1 suffered 80% disability but the Commissioner erred in taking this disability as 100%.

In my opinion, if this is the only contention of counsel for the appellant, this appeal must fail. In *Pratap Narain Singh Deo vs. Srinivas Sabata and another, AIR 1976 SC 222*, their Lordships on a consideration of the definition of the expression 'total disablement' held that the injured was a carpenter by profession and therefore the amputation of the left arm above the elbow totally disabled him to work. This decision was subsequently followed by the Supreme Court in the matter of *S. Suresh vs.*

Oriental Insurance Co. Ltd. and another, (2010) 13 SCC 777, wherein their Lordships reiterated the view taken by the Supreme Court in the case of Pratap Narain Singh Deo (supra).

In the present case, the injured was working as a truck cleaner. In the accident, his leg was amputated above knee and could not move without the help of crutches. In this view of the matter, I see no good reason to keep this appeal alive. Consequently, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

March 20, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No