

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

110

**CM-782-CII-2018 in/and
FAO-256-2018 (O&M)
Date of Decision : 16.02.2018**

United India Insurance Company Limited	Versus	 Appellant
Bhura and another		 Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. D.P. Gupta, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CM-782-CII-2018

This is an application for condoning the delay of 20 days in filing the appeal.

For the reasons recorded, the application is allowed. Delay condoned.

FAO-256-2018 (O&M)

This appeal has been filed against the award of the Commissioner under the Employees' Compensation Act, 1923 whereby the respondent No.1 has been awarded compensation of Rs.18,76,520/- on account of amputation of his leg below the knee due to accident.

The claim of the respondent No.1 was that he was a driver with the respondent No.2 and during the course of his employment on 07.05.2012 his truck met with an accident with another truck. The Commissioner held that as a result of the accident he had been totally disabled from working as a driver and consequently awarded compensation

The argument of the counsel for the appellant is that the injuries suffered by the respondent No.1 fell in item No.20 Part-II of the Schedule-1 which was a case of partial disability and the Commissioner erred in considering it to be a case of total disability. He has further argued that the interest could not have been awarded from the date of the occurrence but only from the date of the determination. This exact issue had come up before the Supreme Court in the matter of *Pratap Narain Singh Deo vs. Srinivas Sabata and another, AIR 1976 SC 222*, wherein 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 judgment 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). As regards the second argument also, the case is covered against the appellant by the judgment of the Supreme Court in the matter of *The Oriental Insurance Company Ltd. vs. Siby George and others, AIR 2012 SC 3144*.

In this view of the matter, the appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 16, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No