

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No.897/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Satyajeet Arul Rajeshirke for the Appellant Ms. Shalini Shankar for Respondent No.2.

CORAM : K.K.TATED, J.
DATED : JUNE 10, 2019

P.C.

1 Heard. By this appeal, the Appellant - claimant challenges the judgment and award dated 11.09.2013 passed by the Labour Court - II, Kolhapur in Application 51/C-14/2011 on the Application filed by the Appellant u/s.22 of the Employees Compensation Act for compensation amount of Rs.10,59,950/- with interest and penalty.

2 The learned counsel for the Appellant submits that in the accident which occurred on 01.02.2011 the Appellant sustained injuries. He submits that he is a Driver by profession. He submits that to prove his disability, the Appellant has examined one Dr. Rahate, who has specifically stated that the Appellant has suffered 40% disability.

The learned counsel for the Appellant submits that the certificate at Exhibit- 14 shows that the Appellant's left leg is shortened by 4". He submits that because of which, it has become impossible for the Appellant to work as a Driver and therefore, the Trial Court has erred in coming to the conclusion that the Appellant has 40% disability. It should have been 100% earning disability. Hence, the present appeal.

3 Considering the submissions made by the learned counsel for the Appellant and the impugned judgment, the following questions arise for my consideration:

"a. Whether the court below ought to have considered the fact that the Appellant has suffered 100% earning disability?"

b. Whether the court below has given any reason for awarding sum of Rs.94,464/- by way of compensation."

4 Considering the submissions made by the learned counsel for the Appellant and the impugned judgment, following order is passed:

a. **Admit.**

- b. The Appellant to file private paper book within one year from today, with copy to other side, failing which the First Appeal shall stand dismissed without further reference to the court.
- c. Printing dispensed with.
- d. Call R & P.
- e. The learned counsel for the Respondent waives service.
- f. Hearing of the First Appeal is expedited.

(K.K.TATED, J.)