

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

FIRST APPEAL NO.190 OF 2018
(Reliance General Insurance Co. Ltd. vs. Karun s/o. Manohar Kamble
and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.H.N.Verma, Advocate for the appellant.
Ms Niharika Chandak, Advocate h/f. Mr.Rohit
Joshi, Advocate for respondent no.1.
Mr.N.P.Lambat, Advocate for respondent no.2.

CORAM : N. W. SAMBRE, J.

DATE : 26.9.2019.

Heard Mr.H.N.Verma, learned
Counsel for the appellant.

According to him, compensation is
not payable in the case in hand considering
age of victim on the date of accident, which,
according to him, was between 2 to 3 years.
He would try to draw attention of this Court to
the Judgment of Apex Court in the case of
Lata Wadhwa and Others vs, State of
Bihar and Others reported in (2001) 8 SCC
197.

With the assistance of learned
Counsel for the appellant and respective
Counsel of respondents, I have perused the
record and proceedings. Exh.44 is the
Certificate of disability issued by the
Competent Authority certifying 87 % of
disability.

The Claims Tribunal, in para 6 of
the impugned Award, has considered Exh.39,

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Disability certificate, which speaks of 50 % of disability.

The Claims Tribunal then has made observation that the victim is not able to perform pulling and pushing work, work by lifting, work by kneeling and crouching, work by walking etc.

As such, what could be noticed is that the victim has suffered multi-fold disability which has resulted into 100% loss of earning capacity.

That being so, the submissions of the learned Counsel for appellant does not hold any substance. The appeal, as such, fails. Dismissed.

JUDGE

jaiswal