



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

209

FAO-2360-1998

Date of decision : 07.01.2025

Manjit Singh

..... Appellant

versus

Satwant Kaur and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: None for the appellant.

Mr. V.K. Garg, Advocate
for respondent No.2-Insurance Company.

PANKAJ JAIN, J.

1. Claimant is in appeal seeking enhancement of compensation granted by the Commissioner, Patiala exercising jurisdiction under Workman's Compensation Act, 1923 vide order dated 21.09.1998.
2. Claimant filed petition seeking compensation claiming that he met with an accident arising out and in the course of his employment. On 19.09.1991, while he was driving truck, the same met with an accident. The claimant sustained injuries leading to amputation of his right arm. Commissioner answered the issue relating to relationship between parties in favour of the claimant. Issue No.3 was also answered in favour of the claimant holding that the accident arose out of and in the course of employment. Claimant was granted compensation of Rs.61,586/- by treating his permanent disability of 50% as functional disability.



3. Claimant seeks enhancement of compensation on the ground that the Commissioner erred in treating the functional disability equivalent to permanent disability. The claimant having suffered amputation of his right arm has been incapacitated for all times to come to pursue his vocation for driving. Further reference is made to ratio of law laid by four judges Bench in the case of ***Pratap Narain Singh Deo vs. Srinivas Sabata (1976) 1 SCC 289*** wherein it has been held as under:-

“5. The expression "total disablement" has been defined in section 2(1)(l) of the Act as follows:

" "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement."

It has not been disputed before us that the injury was of such a nature as to cause permanent disablement to the respondent, and the question for consideration is whether the disablement incapacitated the respondent for all work which he was capable of performing at the time of the accident. The Commissioner has examined the question and recorded his finding as follows:

"The injured workman in this case is carpenter by profession....By loss of the left hand above the elbow, he has evidently been rendered unfit for the work of carpenter as the work of carpentry cannot be done by one hand only."

This is obviously a reasonable and correct finding. Counsel for the appellant has not been able to assail



it on any ground and it does not require to be corrected in this appeal." ”

- 4. Counsel for the respondent-insurer is not in a position to dispute the aforesaid fact.
- 5. Keeping in view the amputation of right arm suffered by the claimant and the ratio of law laid down by Supreme Court in *Pratap Narain Singh Deo (Supra)*, the order passed by the Commissioner is modified to the extent that the claimant shall be entitled to be treated as 100% permanent disabled for grant of compensation under the Employee’s Compensation Act.
- 6. Claimant shall be further entitled for interest @ 12% per annum for the period commencing from 19.10.1991 till the date of actual realization.
- 7. With the aforesaid modification, the present appeal is disposed off.

07.01.2025
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No