

GAHC010004622017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MFA 13/2018

1:M/S UNITED INDIA INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT 24 WHITES ROAD, CHENNAI 600014
WITH ONE OF ITS REGIONAL OFFICE AT G.S. ROAD, CHRISTIANBASTI,
GUWAHATI-5, REPRESENTED BY ITS CHIEF REGIONAL MANAGER

VERSUS

1:SRI MANJUR ALI and ANR
R/O VILL. HARIPUR, P.O. HARIPUR VIA NALBARI-781335, P.S. NALBARI,
ASSAM.

2:DWIPEN KALITA
R/O KARIA (BIJILIGHAT)
P.O. KARIA VIA NALBARI-781335
DIST. NALBARI
ASSA

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 12-03-2018

Heard Mr. A. Ahmed, learned counsel for the appellant.

This appeal is directed against the judgement and order dated 31/08/2016 passed by the
Commissioner of Employees' Compensation commission, Nalbari in WC No. 7/2010.

Admit the appeal.

Call for the LCR.

Issue notice returnable in four weeks.

Steps by registered post with A/D for service of notice upon the respondents. Steps within three days.

This appeal will be heard on the following substantial question of law :-

1. Whether the loss of earning capacity assessed by the Commissioner without the assistance of qualified medical practitioner is sustainable under the law ?
2. Whether the percentage of loss of earning capacity is a substitute for the percentage of physical disability ?
3. Whether the judgement and order passed by the learned Commissioner is sustainable in law in the facts and circumstances of the case ?

JUDGE

Sukhamay

Comparing Assistant