

GAHC010160622019



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

Case No. : MFA/15/2022

CHOLAMANDALAM M S GENERAL INSURANCE CO. LTD.,
CHOLAMANDALAM M S GENERAL INSURANCE CO. LTD.,
Address - HAVING ITS REGISTERED OFFICE AT SHAW WALLACE BUILDING
NO. 154, 2ND FLOOR, THAMBU CHETRY STREET, CHENNAI- 600001 AND
NORTH EAST STATE OFFICE AT ASTHA PLAZA, 4TH FLOOR, OPPOSITE TO
DEORAH COLLEGE, BORA SERVICE, ULUBARI, G.S. ROAD, GUWAHATI-
781005.

VERSUS

MD. SIRAJUDDIN ALI @ DILIP ALI AND ANR
MD. SIRAJUDDIN ALI @ DILIP ALI AND ANR
Address - S/O- MD. ABDUL GANI, R/O- VILL.- PARUWA MUSLIM GAON, P.O.
NIKAMUL TEZPUR, P.S. TEZPUR, DIST.- SONITPUR, ASSAM- 784154.

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

07.02.2022

Heard Mr. K.K. Bhatta, learned counsel appearing for the appellant.

The appeal is admitted for hearing on the following substantial questions of law:-

- (1) Whether the learned Commissioner, Employees' Compensation, Sonitpur was justified

to assess the loss of earning capacity at 40% ignoring the provision of 4(1)(c)(ii) of Employees' Compensation Act, 1923.

- (2) Whether the impugned judgment is bad in law in view of that the learned Commissioner did not follow the provision of section 4(1)(b) of Employees' Compensation Act, 1923 in assessing loss of earning to claimant?

The appellants will be at liberty to raise any other substantial questions of law at the time of hearing.

Issue Notice.

Call for the records.

List after 6 (six) weeks.

JUDGE

Comparing Assistant