

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1399 OF 2022

Sharad Mahadev Shingade

...Appellant

Versus

Vilas Pandurang Shingade & Anr

...Respondents

MrAS Shetty with Deepti Mistry, for the Appellant.

CORAM: ARIF S. DOCTOR, J

DATED: 4th December 2024

PC:-

1. The present First Appeal impugns an order passed by under the provisions of the Workmen's Compensation Ac 1923, which the grievance of the Appellant is that the Appellant had suffered an injury in his eye during the course of his employment with Respondent No. 1. It is the contention of the Learned Counsel that though the injury suffered to his eye, there is 100% occupational disability, which means that the Appellant is unable to undertake any occupation. Learned Counsel invited my attention to the impugned order and points out that the Tribunal has failed to consider the crucial aspect that though the disability of injury is of 40% of the eye, the result was 100% disability for occupation. He points out that though the claim made was of Rs.7,80,876/-, what was in fact accorded by the Tribunal was an amount of Rs 3,12,350/-, which translates to about 40%.

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI SANJAY
MORMARE
Date: 2024.12.05
11:34:03 +0530

2. In view of this, arguable questions arise.
3. Hence, **Admit**.
4. Call for R & P. Printing dispensed with. Hamdast permitted.
5. Bhatta charges, if any, to be paid within a period of two weeks from today.

(ARIF S. DOCTOR, J)