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ITEM NO. 101 COURT NO. 8 SECTION XV
(PH)

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 6684/1999

Amar Nath Singh .. Appellant (s)

Vs.

M/s Continental Const. Ltd., New Delhi .. Respondent(s)

DATE : 14.11.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. Manoj Goel, Adv.
M/s S Roy, Abha R Sharma, Advs.

For Respondent (s) : Ms. Indu Malhotra, Adv.
M/s Jaideep Bedi, Monica Arora,
Advs.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

The appeal is disposed of in terms of the signed
order placed on the file.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

.PA
.....L.....I.....J
.PL56

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6684 OF 1999@@
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Shri Amar Nath Singh .. Appellant

Vs.

M/s. Continental Constructions Ltd., .. Respondent
New Delhi.

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.SP2

The appellant lost his left eye and made a claim as having lost his complete vision in that eye but medically it was assessed that loss of vision was only 80%.

The Workmen's Compensation Court on an application being made to it by the appellant assessed the compensation payable to him as 100% under Schedule I, Part-I at Item No. 4. On an appeal to the High Court the compensation, which was fixed at 100% was reduced to 30% relying upon the provisions under Item No. 26 of Part-II of the Schedule I of the Act.

The contention putforth before this Court is that the reduction made by the High Court is improper. The learned Counsel for the appellant relied upon a decision of this Court in Pratap Narain Singh Deo Vs. Srinivas Sabata and Another - (1976) 1SCC 289, wherein the case of amputation of left arm from the elbow causing total disablement to perform the work of Carpenter was discussed and contended in the present case that there is a loss of one eye and the earning capacity of the appellant has been reduced from what he was capable of earning at the time of the accident, as a result of disablement. Learned counsel for the respondent refuted this

contention and submitted that as the appellant himself has been claiming that he was fit for work and his evidence discloses the same and in the circumstances the view taken by the Commissioner, Workmen Compensation is incorrect and that of the High Court is justified. The decision in Pratap Narain Singh Deo Vs. Srinivas Sabata and Another-(1976) 1SCC 289 turned on its own facts, therefore, the principles therein cannot be extended to the present case.

Having gone through the papers and having heard learned counsel on both the sides, we are of the opinion that we should not be unduly fettered by the principles stated either in the Act or made in the course of the proceedings in this case and on overall assessment of the matter, we think that out of Rs.1,97,000/- deposited in the High Court towards compensation and penalty, which has been withdrawn by the appellant, a sum of Rs. 1,00,000/- shall be retained by the appellant while a balance of Rs. 97,000/- shall be refunded to the respondent in six months from today. It is open to the appellant to pay that amount of Rs. 97,000/- in different instalments if he so chooses. The appeal is disposed of accordingly modifying the order made by the Commissioner Workmen's Compensation and that of the High Court.

.SP1

.....J@@
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(S. RAJENDRA BABU) @@
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(S.N. VARIAVA) @@
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New Delhi, @@
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November 14, 2000.