

(2010) 11 GUJ CK 0015
In the Gujarat High Court
Case No : First Appeal No. 3077 of 2000

Bansilal K. Gajjar and Others

APPELLANT

Vs

Ram Ashre Kallu and Another

RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Citation : (2010) 11 GUJ CK 0015

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : Trivedi and Gupta, for the Appellant; Sandip C. Shah, for Defendant 1 and P.C. Master, for Defendant 2, for the Respondent

Final Decision : Dismissed

Judgement

K.S. Jhaveri, J.—By way of present appeal, opponent No. 1, original employer has challenged the order of the Workmen Compensation Commissioner, Ahmedabad dated 12/9/2000 in Workmen Compensation Application No. 53 of 1983 whereby the Workmen Compensation authority has awarded Rs. 33,763/- from 31/3/1983 i.e. date of with 12% simple interest to the applicant of the original application.

2. The facts of the present case are that the original applicant was working with the appellants herein who are doing construction business. The original applicant was working as a meson with the construction company of respondents-appellants herein. While working with the original respondents he has met with an accident somewhere in 10/10/1982 as a result of which he has suffered permanent disability and therefore he has filed an application being Workmen Compensation Application No. 53 of 1983 before the Workman Compensation Commissioner, Ahmedabad. The Workman Compensation Authority while considering issue No. 1 in detail has discussed evidence of both the sides and concluded that present appellants are required to pay compensation to original applicant and thereby awarded compensation of Rs. 33,763/-as aforesaid.

3. Learned Counsel for the appellants has submitted that the impugned award is contrary to law and evidence on record as well as contrary to the provisions of Act. He has submitted that the liability to pay compensation of the appellant No. 1 to pay compensation is unjust and arbitrary and contrary to the provisions of the Act. He submitted that the impugned judgment is without jurisdiction and the Workmen Compensation Authority has committed error in recording the findings and arriving at the conclusion to pay compensation.

4. I have heard the matter at length and perused the documents on record. The Workmen Compensation Authority while considering the case of the original applicant has considered all the important documents available on record and thereafter come to the conclusion to pay the compensation. The authority has also considered medical evidence and thereby assessed permanent disability of 35% and on the basis of the same the authority has awarded compensation for the injury sustained. Learned advocate for the appellant is not in a position to point out anything from the record to take a different view of the matter. In that view of the matter, the view taken by the Workmen Compensation Authority in awarding the compensation is just and proper. Further no substantial question of law is involved in the present appeal. The appeal is devoid of any merits and deserves to be dismissed. The appeal is therefore dismissed. No order as to costs.