

# **THE HIGH COURT OF TRIPURA**

## **A\_G\_A\_R\_T\_A\_L\_A\_**

**MFA(WC) NO.7 of 2003**

**The National Insurance Co. Limited,**  
Agartala Division, 42-Akhaura Road, Agartala,  
P.S. West Agartala, P.O - Agartala,  
District - West Tripura  
(Represented through the Divisional Manager).

..... *Appellant.*

- Vs -

1. **Sri Sanjit Paul alias Sanjib Paul,**  
S/o. Late Suresh Paul, village - Charipara,  
Camper Bazar, Belabar, P.O - Arundhutinagar,  
P.S - West Agartala, Agartala,  
District - West Tripura.
2. **Sri Meghdhan Paul,**  
S/o Sri Sibendra Bikash Paul,  
Village - Office Tilla, Bishalgarh,  
P.S - Bishalgarh, District - West Tripura,  
(Owner of vehicle No.TR-01-3293 Jeep).

..... *Respondents.*

### **BEFORE**

### **HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the appellant : Mr. K Bhattacharji, Advocate.

For the respondents : Mr. S Deb, Sr. Advocate,  
Mr. P K Pal, Advocate.

Date of hearing & judgment : 26.11.2013.

Whether fit for reporting : No.

### **JUDGMENT & ORDER(ORAL)**

This appeal is directed against the award, dated 24<sup>th</sup> March 2003, passed by the learned Commissioner, Workmen's Compensation, (District Judge), West Tripura, Agartala in

T.S.(W.C)1 of 2000, whereby the learned Commissioner awarded a sum of Rs.2,56,284/- in favour of the claimant along with interest @ 12% per annum from the date of the accident.

2. The main grievance of the insurance company is that since there is no disability certificate issued by a doctor to show that the disability is 100%, the Commissioner gravely erred in awarding the compensation by accepting the disability of the claimant to be 100%. It is urged by Sri K Bhattacharji, learned counsel for the appellant insurance company that since the physical disability of the claimant-petitioner is not 100% therefore, the learned Commissioner should not have assessed the loss of income at 100%.

3. An application for additional evidence was filed and the same was allowed by this Court on 19<sup>th</sup> September, 2013 and the Deputy Transport Commissioner, Agartala was directed to get the claimant-petitioner medically examined and to certify whether the petitioner is medically fit to drive a vehicle or not. Consequently, as per the order dated 19<sup>th</sup> September, 2013 the Standing Medical Board of the State of Tripura has submitted its report which is marked as Ext.C/1 and in this report it has been certified by the Standing Medical Board that the claimant is unfit to drive any vehicle whatsoever. Since the claimant is a driver and is now unfit to drive, his disability is 100% and, therefore, there is no error in

the award of the Commissioner, Workmen's Compensation and the appeal is accordingly dismissed.

Send down the LCRs forthwith.

**CHIEF JUSTICE**

*Sukhendu*