

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 24th
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 19th 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 19th 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