

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28th DAY OF OCTOBER, 2016

BEFORE

THE HON'BLE MRS. JUSTICE S.SUJATHA

M.F.A.No.1257/2013 (W.C)

BETWEEN:

SRI RAJU
S/O NINGEGOWDA
AGED ABOUT 42 YEARS
R/O GURUVANAHALLI VILLAGE
CHANNARAYAPATNA TALUK
HASSAN DISTRICT-573201

... APPELLANT

(BY SRI. H J ANANDA, ADVOCATE)

AND

1.SRI HANUMANTHAPPA
S/O KEMPAIAH
AGED ABOUT 50 YEARS
R/AT PADUVANAHALLI
DANDIGANAHALLI HOBLI
CHANNARAYAPATNA TALUK
HASSAN DISTRICT-573201

2.THE BRANCH MANAGER
THE NATIONAL INSURANCE COMPANY LTD
371/A, 3RD FLOOR,
PRESTIGE SHOPPING ARCADE
RAMASWAMY CIRCLE
MYSORE-570001.

... RESPONDENTS

(BY SRI. K SRIDHARA, ADVOCATE FOR R2
NOTICE TO R1 IS DISPESED WITH)

THIS MFA IS FILED U/S 30(1) OF W.C.ACT AGAINST
THE JUDGMENT DATED:23.7.2009 PASSED IN WCA/NF/SR-
47/2005 ON THE FILE OF THE LABOUR OFFICER AND

COMMISSIONER FOR WORKMEN COMPENSATION, HASSAN SUB-DIVISION, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION & FURTHER SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA COMING ON FOR FURTHER ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

This appeal is filed by the workman challenging the judgment and order passed by the Commissioner for Workmen's Compensation Court, Hassan Sub-Division, Hassan in No. WCA/NF/SR-47/2005 with the delay of 1229 days.

2. This Court would have construed the delay aspect liberally, provided the appellant had good case on merits.

3. On perusal of the impugned judgment and order, it emerges that the doctor who was examined as PW2 has assessed the permanent physical disability to the extent of 18% to 20% to the right lower limb. Considering the same, the Commissioner assessed the loss of earning capacity to the extent of

35% which cannot be found fault with. Monthly wage determined at Rs.4,000/- is also justifiable, since the employment accident in question admittedly occurred on 22.2.2005. Thus, no grounds are made by the appellant even on the merits of the case.

4. As could be seen from the application for condonation of delay, it is evident that no sufficient reasons are assigned by the workman/claimant to condone the inordinate delay of 1229 days. Accordingly, the application for condonation of delay is dismissed. Consequently, the appeal is also dismissed.

**Sd/-
JUDGE**

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