

ITEM NO.48

COURT NO.4

SECTION XV

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 22407/2015  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 27/11/2014  
IN MFA NO. 22157/2011 PASSED BY THE HIGH COURT OF KARNATAKA CIRCUIT  
BENCH AT DHARWAD)

BASAPPA

PETITIONER(S)

VERSUS

BASVARAJ M. TUPPAD & ANR.  
(WITH OFFICE REPORT)

RESPONDENT(S)

Date : 21/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. H. Chandra Sekhar, Adv.  
Mr. Uday Kumar Desai, Adv.  
Ms. Rekha Patil, Adv.

For Respondent(s)

Mr. Anil Nag, Adv.  
Mr. Arun Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) 5472 OF 2017  
[Arising out of Special Leave Petition  
(Civil) No.22407/2015]

BASAPPA . . . APPELLANT (S)

VERSUS

BASVARAJ M. TUPPAD  
& ANR. . . . RESPONDENT (S)

ORDER

1. Leave granted.
2. The compensation under the Workmen's Compensation Act, 1923 awarded to the appellant has been reduced from Rs.4,28,376/- to Rs.1,71,350/- by the High Court.
3. The injury suffered by the appellant - claimant is loss of one eye and the physical disability suffered though is

to the extent of 30%, the same, in our considered view, has resulted in 100% loss of the earning capacity of the appellant. This is because the appellant was a professional driver and employed as such.

4. In the aforesaid circumstances, merely on the basis of the percentage of loss of physical disability assessed by the medical practitioner the loss of earning capacity could not have been determined by the High Court to reduce the quantum of compensation. We, therefore, set aside the order of the High court and restore the award made by the Commissioner for Workmen's Compensation and direct that all amount due along with interest, as awarded, shall be paid to the appellant by the Insurer within four weeks from today.

5. The appeal is allowed in the above terms.

....., J.  
(RANJAN GOGOI)

....., J.  
(NAVIN SINHA)

NEW DELHI  
APRIL 21, 2017