
(1994) 05 P&H CK 0021

High Court Of Punjab And Haryana At Chandigarh

Case No: First Appeal From Order No. 110 of 1988

Maghar Singh

APPELLANT

Vs

Jaswant Singh

RESPONDENT

Date of Decision: May 19, 1994

Acts Referred:

- Workmens Compensation Act, 1923 - Section 30

Citation: (1995) 1 ACC 152 : (1994) 107 PLR 577

Hon'ble Judges: Amarjeet Chaudhary, J

Bench: Single Bench

Advocate: Amarjit Markan, for the Appellant; Nemo, for the Respondent

Final Decision: Dismissed

Judgement

Amarjeet Chaudhary, J.

This appeal is directed against the judgment of Senior Sub Judge Sangrur exercising the powers of Commissioner under the Workmen's Compensation Act, dated October 12, 1987. The Commissioner had dismissed the application of the workman under the Workmen's Compensation Act.

2. The case of the appellant before the Commissioner was that he was employed as workman on the farm of Jaswant Singh respondent and on 26.7.1984 he had sustained personal injury by an accident arising out of and in the course of his employed with Jaswant Singh while working on Toka Machine of Jaswant Singh which has resulted in loss of both of his hands causing permanent disablement of the nature of 100% of his earning capacity. It is alleged that his monthly wages were Rs. 360/- besides meals for the day.

3. The case was contested by Jaswant Singh.

4. On the basis of the pleadings, the following issues, were framed:-

1. Whether the petitioner was employed by respondent and met with an accident?
OPA.

2. If issue No. 1 is proved to what amount as compensation he is entitled to? OPA

3. Whether this application is not competent? OPR

4. Relief.

5. The challenge to the judgment is primarily on the ground that Jaswant Singh respondent had taken the appellant to the hospital and had signed on the bed head ticket of the appellant in the hospital. It is further case of the appellant that it has been proved by oral as well as documentary evidence that both of his arms were amputated while working at the farm of Jaswant Singh.

6. I have considered the submissions of the learned counsel. From the perusal of the paper book I have reached the conclusion that in this case no law point is involved. The pleas taken by the counsel for the appellant are disputed questions of facts. u/s 30 of the Workmen's Compensation Act the appeal to the High Court lies only if a substantial question of law is involved in the appeal. In this case, the appellant has not been able to make out any substantial question of law.

7. In this view of the matter, there is no merit in the appeal which is hereby dismissed. No costs.