

MACT 267/22 JITENDER KJUMAR Vs. OM PRAKASH

04.11.2022.

Present: Sh. Ankush Premi, Counsel for petitioner.
Counsel for insurance company.

Steps not taken by petitioner for service of R-1 & 2 so far. Today only an application for fresh address of R-1 & 2 filed. **As such petitioner shall not be entitled to interest on award, if any from last date of hearing till today.**

Let R-1 & 2 be served again in terms of previous order including on fresh address. Further, petitioner is at liberty to serve them through electronic mode, as per rule of Hon'ble High Court of Delhi.

Further, a list of bills totaling about Rs. 3,29,335/- filed by the petitioner. **Petitioner to explain and place on record medical prescription of the relevant time prescribing such medicine etc for which such bills are filed.**

An application for assessing physical disability of injured by the medical board due to accidental injuries moved on behalf of claimant.

The requisite proforma under form "J" of MACT Rules has also been furnished.

'Medical Superintendent, Pandit Madan Mohan Malviya Hospital, Malviya Nagar, New Delhi' is directed to examine the injured qua his disability and to send Disability Certificate as per guidelines issued by the Ministry of Social Justice and Empowerment, Government of India vide Gazette Notification

S. No. 61 dated 05.01.2018.

Copy of this Order be given Dasti to the applicant/petitioner alongwith Form "J". A copy of Form "J" is retained on record.

The Disability Certificate be sent to this Tribunal within 15 days from the date of receipt of this Order in terms of clause 25 of Modified Claims Tribunal Agreed Procedure (as Approved by Hon'ble High Court of Delhi).

The next date of hearing be mentioned on the Disability Certificate.

In case it is found that the claimant is suffering from any disability, in that event three attested copies of the Disability Certificate be also sent along with the Disability Certificate.

List for awaiting report of disability on next date.

On the last date of hearing, the matter was kept for reply of R-3. But no reply filed. It is submitted that insurance company doubts whether petitioner resides within the territorial jurisdiction of this Tribunal. But on bare perusal of petition, the address of Badarpur, New Delhi given and such petition is verified along with an affidavit. Therefore, at present no adverse view can be taken nor such petition is returned and same is matter of trial, if objection is taken regarding such address authenticity.

In any case, no legal offer given nor any reply filed by insurance company despite opportunity. Further, as per record, such insurance company was served on 06.06.2022. As such, 90 days from such service has already expired. Still taking a lenient view no