

27.04.2024

Present: **Advocate** Ms. Babita Tyagi for injured.
Advocate Sh. Yash Kumar for R2/ Sarvpal Singh
Walia (registered owner).
None for R1/Rahul Gupta (driver).

Matter listed on 04.11.2023 was posted to 27.04.2024 for PE whereas second application under section 169 of M.V. Act was filed on 05.12.2023 which is listed for submissions.

Ld. Counsel for injured has adverted to disability certificate pursuant to order dated 10.05.2018 wherein Medical Board had opined – **left knee stiffness with temporary physical disability of 14% (fourteen percent) in relation to left lower limb** for requesting the court to direct fresh assessment of permanent physical disability suffered due to road accident for assessment of just compensation to be paid to the injured.

Second application under section 169 of M.V. Act for assessment of permanent physical disability **is allowed**.

Injured Quamar Abbas is directed to appear before Medical Superintendent, DDU Hospital within two weeks who in turn is directed to constitute Medical Board to examine and issue Disability Certificate in furtherance of the mandate of ***Raj Kumar Vs. Ajay Kumar & Anr. (2011) 1 SCC 343*** read with guidelines issued by Ministry of Social Justice and Empowerment, Govt. of India vide Gazette Notification S.No. 61 dated 05.01.2018 **AND submit its report on or before next date**.

Copy of order be sent to Medical Superintendent, DDU Hospital along with Form 'J'.

Contd...2/-

-2-

Put up on 17.08.2024 for cross-examination of PW-1
by R2.

Dasti copy of order be given to injured/counsel.

(Tarun Yogesh)
PO, MACT-01, Dwarka Courts,
New Delhi/27.04.2024