

05.07.2024

Present: **Advocate** Sh. Sourabh Yadav along with injured.
Advocate Sh. Jitender Sharma, proxy for Advocate
Sh. Jitender Tiwari for R1 and R2.
Advocate Shri Mehtab Singh for R3/IFFCO TOKIO
General Insurance Co.

Reply on behalf of insurance company is already
filed on record.

No reply has been filed by R1 and R2. Their right to
file reply is closed.

Following issues are settled on the basis of
pleadings:

1. ***Whether injured Vikas is entitled to receive compensation for bodily injury suffered due to rash and negligent driving of Hyundai Aura No. HR-55AM-9125 by R1/Sohan Singh Bisht (driver) on 19.08.2023 which vehicle was registered in the name of R2/ M/S Saya Tour Solutions Pvt. Ltd. and insured with R3/IFFCO TOKIO General Insurance Co. ?*** ...OPP
2. ***If issue No.1 is decided in affirmative, then what will constitute just compensation payable to injured and by whom?*** ...OPP
3. ***Relief.***

No other issue arises or is pressed for.

Affidavit to be tendered in evidence be filed with
advance copy to respondents/counsel.

Application seeking direction to Medical
Superintendent, DDU Hospital to examine injured for issuing
disability certificate has been filed along with copy of MLC
mentioning femur fracture opined as grievous injury.

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Submissions heard.

Application is allowed for assessing permanent physical disablement.

Injured Vikas 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'.

Matter be listed on **11.11.2024** for petitioner's evidence.

Dasti copy of order be given to injured/counsel.

(Tarun Yogesh)
PO, MACT-01, Dwarka Courts,
New Delhi/05.07.2024