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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 280/2025**

MOHD IZHAR

.....Appellant

Through: Mr. Manish Maini and Ms. Anjali
Singh, Advocates.

versus

ORIENTAL INSURANCE COMPANY LTD & ANR

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **01.05.2025**

CM APPL. 26237/2025 [Exemption from filing certified copies]

1. Allowed, subject to the Appellant filing certified copies of the annexures/order within three weeks.
2. The Application stands disposed of.

CM APPL. 26236/2025 [Exemption from filing TCR]

3. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.
4. The Application stands disposed of.

CM APPL. 26235/2025 [Delay in filing the Appeal]

5. This is an Application seeking condonation of delay of 70 days in filing the present Appeal.

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6. Learned Counsel for the Appellant submits that the Appellant is a sole bread earner of the family and has suffered from deformity in his lower right limb and due to being differently abled, the Appellant was unable to file the Appeal within time.

7. In view of the foregoing, the delay is condoned.

8. The Application stands disposed of.

CM APPL. 26238/2025 [Delay in re-filing the Appeal]

9. This is an Application seeking condonation of delay of 38 days in re-filing the present Appeal.

10. For the reasons as stated in the Application, the delay is condoned.

11. The Application stands disposed of.

CM APPL. 26234/2025 [Direct medical examination]

12. This is an Application seeking the following prayer:

“In view of the above facts & circumstances and in the interest of justice, it is respectfully prayed that necessary directions may kindly be issued to C.M.O. Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi-110064, to constitute a Medical Board for the medical examination of the Appellant/ injured and issue a Permanent Disability Certificate (if any).”

13. Issue Notice.

13.1 On steps being taken, let Notice be served on the Respondents *via* all modes. Affidavit of service be filed within one week.

14. Let Reply be filed within a period of six weeks.

14.1 Rejoinder thereto, if any, be filed within four weeks thereafter.

15. Learned Counsel for the Appellant submits that even though the Appellant has suffered from permanent disability, no medical board was constituted to examine the Appellant *viz-a-viz* his disabilities. It is stated that at the evidence stage, the Covid had commenced, and thus, the examination



could not be undertaken.

16. In any event, however in view of the fact that this is a beneficial legislation, this Court deems it apposite and it would be in the interest of the Appellant to have a disability certificate. The Appellant may take steps to obtain the permanent disability certificate in accordance with law.

17. List before the Registrar on 28.08.2025.

MAC.APP. 280/2025

18. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 seeking to challenge the Award dated 12.09.2024 passed by the learned Presiding Officer, MACT, South-West, Dwarka Courts, New Delhi [hereinafter referred to as “Impugned Award”]. By the Impugned Award, a sum of Rs.1,70,000/- along with 9% interest per annum has been granted.

19. The challenge in the present Appeal by the Appellant is on three grounds:

- (i) Firstly, learned Counsel for the Appellant submits that the deceased was working as a driver and was earning a salary of Rs.25,000/-, however the learned Trial Court has taken into consideration the minimum wages of an unskilled worker which in contravention of the notification No. F.12(1)142/11/MW/Lab/2023 dated 26.07.2011 issued by the Government of National Capital Territory of Delhi.
- (ii) The Appellant was under treatment as an out-patient for over a year, however this aspect has not been considered by the learned Tribunal.
- (iii) Lastly, it is contended that the Appellant was not medically examined by a competent medical board for the issue of a permanent disability certificate.

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20. Issue Notice.
21. On steps being taken, let Notice be served on the Respondents *via* all modes. Affidavit of service be filed within one week.
22. List before the Registrar for completion of service on 28.08.2025.

TARA VITASTA GANJU, J

MAY 1, 2025/pa

[Click here to check corrigendum, if any](#)

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