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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 150/2025, CM APPL. 32740/2025 & CM APPL. 32741/2025**

SH. NAVEEN KUMARAppellant
Through: **Ms. Vibha Mahajan, Sr. Adv.**
with Ms. Mamta Gautam, Adv.
versus

SH. KRISHAN PAL & ANR.Respondents
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

% **ORDER**
26.05.2025

CM APPL. 32744/2025

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 32742/2025

3. This application has been moved on behalf of the applicant/appellant seeking exemption from filing the entire record in claim bearing No. 26/WCD/NDD/2022/13127-28 (Old No. EC (1)-1 7/SWD/2020).

4. For the reasons stated in the application, the same is allowed.
5. The application stands disposed.

CM APPL. 32743/2025

6. This application has been moved on behalf of the applicant/appellant for taking on record the additional documents.
7. For the reasons stated in the application, the same is allowed.
8. The application stands disposed of.



FAO 150/2025, CM APPL. 32740/2025 & CM APPL. 32741/2025

9. This appeal has been preferred by the appellant/employer under Section 30 of the Employee's Compensation Act, 1923 ('EC Act') assailing the impugned judgment cum award dated 06.09.2024 passed by the learned Commissioner, Employee's Compensation. By way of the impugned judgement, the claim of the respondent no.1/claimant seeking compensation for permanent disability during the course of employment has been allowed, and he has been awarded a total compensation of ₹9,09,888/- with interest at the rate of 12% per annum from the date of accident i.e. 01.03.2016 till realization besides ₹8,28,238/- towards medical expenses.

10. No one is present for the respondents despite sending advance notice.

11. The long and short of the submissions advanced by the learned counsel for the appellant is that although the relationship of employer and employee is disputed, the primary objection pertains to the manner in which the disability has been assessed at 54% in relation to post-Traumatic injuries to the Right Knee, Right Ankle and Right Foot besides Right Elbow stiffness with scaring on ankle joint right in relation to Right Upper and lower limbs, which has been reckoned @ 100% without examination by a medical practitioner as mandated under explanation II to Section 4(c) of the EC Act.

12. It is also urged that there was a delay of more than four years in filing the claim petition and that the interest has been awarded from the date of accident whereas it should have been awarded from the date of passing of the impugned award. It is also submitted that the respondent no.1/claimant himself admitted to have spent ₹7,35,200/- on his medical treatment, whereas the learned Commissioner has



awarded an exaggerated amount without assigning any reason.

13. Learned counsel for the appellant has relied on the decision in the case of **National Insurance Co. Ltd. v. Mubasir Ahmed**¹.

14. The issues raised by the learned counsel for the appellant require a deeper examination.

15. Notice be issued to respondents by all permissible modes. It is stated that an amount of compensation has since been deposited with the learned Commissioner, Employee's Compensation.

16. Having regard to the totality of the facts and circumstances of the case, let 40% towards the amount of compensation be released to the respondent no.1/claimant, subject to the final outcome of the present appeal.

17. Renotify on 08.10.2025.

DHARMESH SHARMA, J

MAY 26, 2025
Ch/Ss

¹ (2007) 2 SCC 349