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

+ **MAC.APP. 383/2025**

LEELA (INJURED)

.....Appellant

Through: **Mr. Manu Prakash Upadhyay & Mr.
Ashutosh Yadav, Advocates.**

versus

**VIKRAM SINGH (DRIVER) & ORS. (TATA AIG INSURANCE
CO. LTD.)**

.....Respondents

Through: **Ms. Sakshi Arora, Adv. (thru VC)**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

06.02.2026

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CM APPL. 8344/2026

1. This application by the claimants/appellant seeks re-assessment of the permanent disability in view of the fact that the Tribunal *vide* impugned award, specifically noted the testimony of **PW-3**, the doctor who had assessed the injury of injured claimant. **PW-3** had deposed in his cross-examination that the disability sustained after trauma and post-surgery would remain till further intervention and that the disability is permanent in nature. However, on the basis of deposition of **PW-3** that '*intervention*' is required, the Tribunal was dissuaded from taking the permanent disability at 69%. It was stated by the Tribunal that

“Moving forward, now it has to be seen whether any permanent disability can be inferred from the disability certificate showing the temporary disability. In my considered view, the Tribunal cannot opine regarding any permanent disability and in turn, regarding any functional disability on account of the temporary



disability sustained, once as per the medical opinion by the Board itself, reassessment is required for the same. Hence, in absence of any determination regarding permanent disability, there cannot be any discussion regarding its impact on the life and work of the petitioner and functional disability. Hence, no amount of compensation is granted under this head.”

2. Accordingly, issue notice.
3. Counsel for Insurance Company, who appears through VC, accepts notice.
4. Reply be filed by the Insurance Company, if they chose to contest this plea of claimant.
5. Re-list on 5th May 2026, the date already fixed.
6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 6, 2026/sm/tk