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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAC.APP. 583/2025

SANJEEV KUMAR

.....Appellant

Through: Mr. Ankur Panwar, Adv.

versus

SH. KHAND CHAND (SINCE DECEASED) (DRIVER) & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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10.09.2025

CM Appl. 57133/2025/Exemption from filing typed copies/

1. Allowed, subject to the Appellant filing typed and legible copies of the annexures within a period of three weeks.
2. The Application stands disposed of.

CM Appl. 57132/2025/Seeking condonation of delay in filing/

3. The present Application has been filed on behalf of the Appellant seeking condonation of delay of 119 days in filing the present Appeal.
4. Learned Counsel for the Appellant submits that the Appellant was injured in the accident and that he is a daily wage labourer working in a sewing factory and have no financial resources, it took some time to arrange the legal fees and expenses to file the present Appeal, hence the delay.
5. For the reasons as stated in the Application, the delay is condoned.
6. The Application stands disposed of.

MAC.APP. 583/2025

7. The present Appeal has been filed under Section 173 of the Motor



Vehicles Act, 1988 impugning the award dated 31.01.2025 passed by the learned Presiding Officer, MACT-02, District Shahdara, Karkardooma Courts, Delhi [hereinafter referred to as “Impugned Award”]. By the Impugned Award, the compensation amount in the sum of Rs. 8,81,224/- along with interest at the rate of 6% per annum has been awarded.

8. The principal challenge in the present Appeal is on the ground of functional disability. Learned Counsel for the Appellant submits that the permanent physical disability was assessed at 42% and that the Appellant lost his hearing as well as the use of his right leg.

8.1 Learned Counsel for the Appellant further submits that since the Appellant was a driver, he is unable to continue with his vocation. However, the learned Tribunal reduced the functional disability to 20%. In addition, learned Counsel for the Appellant has contended that the award on pecuniary and non-pecuniary heads is not in accordance with law.

9. Issue Notice. On steps being taken, let Notice be issued to the Respondents *via* all modes. An affidavit of service be filed within two weeks.

10. List before the concerned Registrar for completion of service on 27.11.2025.

11. 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.

12. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 10, 2025/r