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

+ **MAC.APP. 613/2025 & CM APPL. 59310-59311/2025**

UNITED INDIA INSURANCE COMPANY LTD.....Appellant

Through: Mr. Pradeep Gaur, Mr. Amit Gaur &
Ms. Sweta Sinha, Advs.

versus

VISHNU MANDAL AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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18.09.2025

CM APPL. 59311/2025 [Exemption from filing certified copies]

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

MAC.APP. 613/2025 & CM APPL. 59310/2025 [Stay]

3. The present Appeal has been filed on behalf of the Appellant under Section 173 of the Motor Vehicle Act, 1988 impugning the award dated 28.05.2025 [hereinafter referred to as "Impugned Award"] passed by the learned Presiding Officer, MACT-01 (SE), Saket Courts, New Delhi. By the Impugned Award, compensation in the sum of Rs.1,56,01,005/- has been awarded along with interest at the rate of 7.5% per annum.
4. Learned Counsel for the Appellant submits that his principal grievance is on the award by the learned Tribunal on 100% functional disability. It is the case of the Appellant that this is a case of injury and that



the injured/Respondent No.1 was working in a clerical job and thus did not require to move around was the finding of the learned Tribunal however, despite the same finding, 87% functional disability was awarded to the Respondent No.1/Claimant.

4.1 In addition, learned Counsel challenges the award on a conveyance, special diet and nursing attendant. It is contended that Rs.2,00,000/- each has been awarded without any evidence in this behalf.

4.2 Lastly, it is contended that the income tax was also not deducted prior to the award. It is stated that no income tax has been deducted on the monthly salary of the Respondent No.1/Claimant.

5. Admittedly, the permanent physical disability of the Respondent No.1/Claimant was 87% in both lower limbs with his left leg amputated above the knee. The Respondent No.1/Claimant was shown to be working as an Associate Sales Consultant, however, the learned Tribunal has given a finding that there was no evidence to show that such consultancy involved active field work and has thus taken his functional disability as 87%. The award on income is also taken based on the salary.

6. The matter requires detailed examination.

7. Issue Notice.

7.1 Learned Counsel for the Appellant submits that the service to Respondent Nos.2/Driver and 3/Owner may be dispensed with since the liability is entirely on the Appellant in terms of paragraph 22 of the Impugned Order. It is so directed.

7.2 On steps being taken, let Notice be served on the Respondent No.1/Claimant *via* all modes. Affidavit of service be filed within two weeks.

8. Subject to the deposit of entire decretal amount inclusive of up-to-date



interest within a period of 6 weeks, the operation of the Impugned Award shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.

9. Upon deposit by the Appellant, 60% of the deposited amount inclusive of up to date interest shall be released to the Respondent No.1/Claimant in accordance with scheme, as is set out in the Impugned Award.

10. 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.

11. List before the Registrar for completion of service on 21.11.2025.

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

TARA VITASTA GANJU, J

SEPTEMBER 18, 2025/ ha