



2025:DHC:9045



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

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***Date of Decision: 08.10.2025***

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**MAC.APP. 649/2025 & CM Appl. 62935/2025****SHRIRAM GENERAL INSURANCE CO. LTD** .....Appellant

Through: Mr. Sameer Nandwani, Adv.

versus

**SHRI TILAK CHAND @ RAVINDER & ORS.** .....Respondents

Through: Mr. Pankaj Gupta, Adv. for R-1.

**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM Appl. 62936/2025/Exemption from filing certified copy of the judgment dated 30.07.2025]**

1. Allowed, subject to the Appellant filing certified copy of the judgment dated 30.07.2025 within a period of three weeks.
2. The Application stands disposed of.

**MAC.APP. 649/2025 & CM Appl. 62935/2025/Stay]**

3. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 [hereinafter referred to as "MV Act"] impugning the award dated 30.07.2025 passed by the learned Presiding Officer, MACT-02, Shahdara District, Karkardooma Courts, Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, the compensation amount in the sum of Rs. 97,39,126/- along with interest at the rate of 8% per annum has been awarded.
4. Learned Counsel for the Appellant submits that the challenge in the present Appeal is on three grounds. Firstly, he submits that there are cheaper



options available for artificial limbs. Secondly, it is contended that the functional disability at the extent of 100% could not have been awarded. Lastly, it is contended that the excessive attendant charges have been awarded.

5. Learned Counsel for Respondent No. 1, who appears on advance service, submits that so far as concerns the inflated cost of artificial limb, both the left arm and left leg of the injured were amputated and that two artificial limbs were required. He further submits that even taking into account the average cost of an artificial limb and the age of the deceased at the time of the accident which was 37 years old, he would need about 5 to 7 replacements which would, on average cost about Rs. 2.5 lakhs for each replacement.

5.1 Learned Counsel for Respondent No. 1 further submits that Rs. 40 lakhs have been awarded for new limbs inclusive of maintenance charges. Learned Counsel submits that at such cost and given the age of the deceased and the fact that both upper and lower limb would be required to be replaced every 5 to 7 years, the amount awarded cannot be considered as excessive.

5.2 This Court agrees. The average cost of an artificial limb is stated to be Rs. 2 lakhs (approx.). Every artificial limb is also required to be maintained regularly and giving a sum of Rs. 50,000/- (approx.) for maintenance over a life of five years would make the cost of an artificial limb about Rs. 2.5 lakhs. Thus, multiplying 2.5 lakhs X 2 limbs X 7 would come to a figure of approximately Rs. 35 lakhs. Given that both the lower and upper limb may not cost the same and the calculation set out above, the award of Rs.40 lakhs by the learned Tribunal cannot be faulted. Accordingly, so far as concerns the award on artificial limb, this Court finds no infirmity with the same.



6. So far as concerns the award on functional disability, learned Counsel for Respondent No. 1 seeks to rely upon the evidence of PW-3 i.e., the doctor from the medical board to submit that Respondent No. 1 produced the doctor who had examined the Respondent No. 1 and he had deposed that the disability is permanent in nature and that it is 88% permanent disability in relation of left upper limb and left lower limb and the patient cannot walk without support/prosthesis. The doctor further deposed that the injured would need an attendant for his day-to-day activities and requirements for the rest of his life.

6.1 It is apposite to set out the examination of the doctor [PW-3] in this behalf below:

*"I am a summoned witness. I have brought with me the disability certificate of patient Mr.Tilak Chand @ Ravinder. I was one of the board members of the medical disability board. The patient/ injured namely Mr.Tilak Chand @ Ravinder had **sustained 88% permanent disability in relation to his left upper limb and left lower limb.** The disability certificate is already exhibited as PW1/3. I can also identify the signature of other medical board members. **The disability of Mr.Tilak Chand @ Ravinder is permanent in nature and is not likely to improve in future. The disability is issued as per the guidelines of Ministry of Social Justice and empowerment. The patient cannot walk without support/ prosthesis. The patient Mr.Tilak Chand @ Ravinder needs an attendant for his day to day activities/ requirements for rest of his life. The patient cannot avail public transport. As per the records brought by me, it is case of amputation left upper limb and left lower limb.***

*The patient Mr. Tilak Chand @ Ravinder cannot work as a professional driver as his left upper limb and left lower limb were amputated. The patient Mr.Tilak Chand @ Ravinder is unable to walk, run, sit cross leg, climb stairs, lift weight."*

[Emphasis supplied]

7. The learned Tribunal gave a finding that Respondent No. 1 suffers from permanent physical disability and since his previous vocation was that as the driver, the functional disability was assessed to be 100%. The relevant



extract of the Impugned Award in this behalf is set out below:

**“Disability, if any: As per the aforementioned disability certificate, the petitioner suffers permanent physical disability of 88% in relation to left lower limb and left upper limb. Moreover, the PW3 i.e. doctor from the medical board which assessed the disability of the petitioner, has deposed that petitioner cannot walk without support/prosthesis and petitioner will need an attendant for his day to day activities/requirement for rest of his life. PW3 further deposed that petitioner cannot work as a professional driver as his left upper limb and left lower limb were amputated. Therefore, keeping in view the said nature of injuries and the permanent disability suffered by the petitioner as aforesaid, the Tribunal is of the opinion that the petitioner will suffer from a functional disability of 100% and hence, the functional disability of the petitioner is hereby assessed to be 100%.”**

[Emphasis supplied]

8. It is undisputed that Respondent No. 1 was previously working as a driver. The evidence that was brought on record shows that he cannot walk without help/prosthesis. The Respondent No. 1 has also proved that he would also need an attendant for his day to day activities/requirements for the rest of his life.

8.1 Given the previous vocation of Respondent No. 1 and the fact that he cannot even undertake his day to day activities without an attendant, the award *qua* functional disability assessed at 100% is in accordance with law and the challenge on this ground can also not be sustained.

9. So far as concerns the award of attendant charges, learned Counsel for the Appellant submits that no evidence has been placed on record for this award.

10. Issue Notice limited to this ground. Learned Counsel for Respondent No. 1 accepts Notice.

11. Learned Counsel for the parties submit that service to Respondent Nos. 2 and 3 be dispensed with since there is no breach of the Insurance



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policy. It is so directed.

12. 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.

13. Subject to the deposit of entire decretal amount inclusive of up-to-date interest within a period of 8 weeks, the operation of the Impugned Awards 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.

13.1 In view of the discussions above, upon deposit by the Appellant, 65% of the deposited amount inclusive of up-to-date interest shall be released to the Respondents/Claimants in accordance with scheme, as is set out in the Impugned Award.

14. The parties shall file their short note of contentions in the matter, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

15. List on 23.03.2026.

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

**TARA VITASTA GANJU, J**

**OCTOBER 8, 2025/r/ha**