



2025:DHC:6831



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

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Date of Decision: 11.08.2025

+ **MAC.APP. 499/2025 & CM Appl. 49177/2025**

THE NEW INDIA ASSURANCE CO. LTD.Appellant

Through: Mr. Amit Kumar Singh, Ms. Enatoli Sema, Ms. Chubalemla Chang and Mr. Prang Newmai, Advs.

versus

SH. RAM ASRE AND ORS

.....Respondents

Through: Mr. Vishal Arun Mishra, Ms. Rupali Panwar, Mr. Avinash Singh, Advs. for R-1.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM Appl. 49178/2025/Exemption from filing certified copies/

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

CM Appl. 49179/2025/Seeking condonation of delay/

3. This is an Application filed on behalf of the Appellant seeking condonation of delay of 30 days in re-filing the present Appeal.
4. For the reasons as stated in the Application, the delay is condoned.
5. The Application stands disposed of.

CM Appl. 49177/2025/Stay/

6. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 impugning the award dated 05.04.2025 passed by the learned Presiding Officer, MACT-02, West, Tis Hazari Courts, Delhi



[hereinafter referred to as “Impugned Award”]. By the Impugned Award, the compensation amount in the sum of Rs. 17,40,982/- along with interest at the rate of 8% per annum has been awarded.

7. The challenge in the present Appeal is on two grounds. Firstly, learned Counsel for the Appellant raises a challenge on the aspect of liability inspite of the fact that there was no endorsement on the driving licence of Respondent No. 5/driver for transportation of hazardous goods.

7.1 Learned Counsel for the Appellant submits that the Central Motor Vehicle Rules, 1989, sub-Rule 9(2) and 9(3) provide that a holder of a driving licence is required to make an Application for necessary entries in his driving licence including the endorsement that he is authorised to drive a goods of dangerous and hazardous nature. She also seeks to rely upon the judgment of the Supreme Court in the case *Chatha Service Station v. Lalmati Devi and Ors.*; 2025 SCC OnLine SC 756 in this behalf.

8. The second ground of challenge that is raised by the learned Counsel for the Appellant is on the aspect of functional disability. She submits that the functional disability has wrongly been calculated by the learned Tribunal at 80% even though the physical disability was in relation to left upper limb due to the accident.

8.1 So far as concerns this finding of the learned Tribunal, the record reflects that the injured was a self-employed person doing business of selling ballons on a bicycle and he has admittedly suffered 80% permanent disability in his left upper limb. The learned Tribunal has further held that he has not been able to resume his duties and he has been forced to leave his work permanently. The learned Tribunal has relied on the evidence of the



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doctor who has confirmed 80% of permanent locomotor disability.

8.2 It is also come on record that there is no possibility of the injured to do the work that he was carrying out earlier. Thus, in essence, the injured has not been able to carry out his vocation. Prima facie, this finding of the learned Tribunal does not suffer from any infirmity given the vocation and the fact that the Respondent No.1/Claimant cannot carry out his vocation at all without the use of his left hand.

9. However, on the aspect of recovery rights. Issue Notice. Learned Counsel for Respondent No.1, who appears on advance service, accepts Notice. On steps being taken, let Notice be issued to the Respondent Nos. 2 to 6 *via* all modes. An affidavit of service be filed within two weeks.

10. 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.

10.1 Upon deposit by the Appellant, the entire 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.

10.2 The Application is accordingly disposed of.

MAC.APP. 499/2025

11. List before the concerned Registrar for completion of service on 04.11.2025.

12. The Registry is directed to place on record the digital copy of the Trial



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Court Record duly paginated and book-marked in accordance with the rules of the High Court.

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

TARA VITASTA GANJU, J

AUGUST 11, 2025/r