



2025:DHC:5946



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

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Date of Decision: 16.07.2025

+ **MAC.APP. 432/2025, CM APPLs. 41473-75/2025**

RAHUL SINGH

.....Appellant

Through: Mr. Manish Maini and Ms. Aastha
Chauhan, Advocates

versus

ROYAL SUNDARAM GENERAL INSURANCE COMPANY AND
ANR

.....Respondents

Through: Ms. Suman Bagga, Advocate for R-1

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM APPL. 41474/2025*[Exemption from filing certified copies of annexures/orders]*

1. Allowed, subject to the Appellant filing certified copies of the annexures/copies within three weeks from today.
2. The Application is disposed of.

CM APPL. 41475/2025*[Exemption from filing entire set of Trial Court record]*

3. 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.

CM APPL. 41473/2025*[Condonation of delay]*

4. This is an Application filed by the Appellant seeking condonation of delay of seven days in filing the Appeal.



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5. For the reasons as stated in the Application, the delay is condoned.
6. The Application is disposed of.

MAC.APP. 432/2025

7. The present Appeal has been filed on behalf of the Appellant under Section 173 of the Motor Vehicles Act, 1988 against the judgment dated 26.03.2025 [hereinafter referred to as “Impugned Award”] passed by the learned Presiding Officer, MACT, East District, Karkardooma Courts, Delhi in Petition No. 33/23 titled as *Rahul Singh v. Puneet Kumar & Anr.* By the Impugned Award, a sum of Rs. 4.29 lakhs have been awarded to the Appellant along with interest @ 7.5%.

8. Learned Counsel appearing on behalf of the Appellant submits that the principal challenge in the present Appeal is on two grounds. Firstly, that the functional disability has been wrongly awarded by the learned Trial Court and secondly, that the salary, on the basis of which the compensation has been awarded has also been wrongly calculated.

8.1 Learned Counsel appearing on behalf of the Appellant submits that the Appellant was working as a security guard prior to the accident and a disability certificate giving a permanent disability of 21% was placed on record. He further submits that despite the same, the functional disability was found as only 10% by the learned Trial Court.

8.2 Secondly, it is contended that the Appellant was working as a security guard in the office of the HCL Technologies Ltd., Noida and was being paid a sum of Rs. 15,710/- by his employer. He submits that despite the salary slip being placed on record, the learned Trial Court has only awarded compensation based on minimum wages of an unskilled worker of UP. Reliance is placed by the learned Counsel on a salary slip which has been



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placed on record for July 2022 which shows that the Appellant was receiving a sum of Rs. 15,710/- as his monthly salary.

9. Learned Counsel appearing on behalf of the Respondent, who appears on advance service, draws the attention of the Court to paragraphs 14 and 16 of the Impugned Award wherein a finding is given that no evidence was produced by the Appellant on either of these aspects and thus, the learned Trial Court has reached the finding.

10. The learned Counsel appearing on behalf of the Appellant submits that although the witnesses from the disability board, the hospital and from the employer as well as the contractor were summoned by the Appellant before the Tribunal, the witnesses did not appear and hence the evidence could not be led.

10.1 Learned Counsel appearing on behalf of the Appellant, at this stage, limits his challenge in the present Appeal to one opportunity to produce the contractor as witness to prove the salary of the Appellant.

11. Learned Counsel appearing on behalf of the Respondent submits that she has no objection to the same provided the matter is dealt with expeditiously.

12. The Order dated 28.02.2024 passed by the Tribunal also shows that the summons were issued, however, the remaining order sheets has not been placed on record by the Appellant. In any event, since the challenge has been limited to this finding and the award has only been passed three months ago, this Court deems it apposite to remand the matter to the learned Trial Court for examining the evidence with respect to the salary slip of the Appellant.

13. The Appellant shall ensure that all steps for leading the evidence shall



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be taken expeditiously and in any event within two weeks from today.

14. The parties shall appear before the learned Trial Court on 07.08.2025. Needless to add, the Insurance Company will also be given an opportunity to lead the evidence in rebuttal on this aspect of the matter.

15. The Appeal is disposed of in the foregoing terms. It is made clear that the Order passed today will not limit the examination by the learned Trial Court on any aspect it deems necessary.

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

TARA VITASTA GANJU, J

JULY 16, 2025

g.joshi