



2025:DHC:3135



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

Date of Decision: 29.04.2025

+ **MAC.APP. 250/2025 & CM APPL. 22899-22900/2025**

RAM KISHAN PAL SINGH

.....Appellant

Through: Mr. Ravi Krishan Chandna, Ms. Vidushi C. Sachdeva, Ms. Shruti A Chandna, Mr. Malyaj Sehgal, Mr. Suraj Gupta, Mr. Nischal Aggarwal & Mr. Abhay Singh, Advocates.

versus

KUMUD CHANDRA JOSHI KUMAR AND ANR
& ANR.

.....Respondents

Through: Ms. Suman Bagga, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM APPL. 22900/2025 [Seeking condonation of delay]

1. Learned Counsel for the Appellant submits that an additional affidavit dated 28.04.2025 has been filed in terms of order dated 21.04.2025.
2. Learned Counsel for the Appellant submits that the colleague of the Counsel who was handling the present case got injured and was admitted to the hospital and until the recovery of his colleague, the steps could not be taken as the colleague remained unwell for an extended period of time. In addition, during that period, the case file also got misplaced and could not be located, thus, it is contended that the delay was caused in filing the present Appeal.



3. Learned Counsel for the Appellant further submits that the delay was unintentional and was not deliberate.
4. Learned Counsel for Respondent No.2 submits that she has no objection if the delay is condoned.
5. Accordingly, and subject to payment of costs in the sum of Rs.5,000/- within two days payable directly to “*Bar Council of Delhi-Indigent and Disabled Lawyers Account*”, the delay in the filing the Appeal is condoned.
6. The Application stands disposed of.

CM APPL. 22899/2025 [Additional documents]

7. This is an Application filed on behalf of the Appellant for producing additional documents.
8. In view of the order that the Court proposes to pass today, learned Counsel for the Appellant seeks and is granted permission to withdraw the present Application to take appropriate steps before the learned Trial Court, in accordance with law.
9. The Application is dismissed as withdrawn with liberty as prayed for.

MAC.APP. 250/2025

10. This Court had briefly examined the matter on 21.04.2025 and passed the following order:

“7. The present Appeal has been filed on behalf of the Appellant under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award dated 18.12.2023 [hereinafter referred to as “Impugned Judgment”] passed by learned Presiding Officer, Labour Court-07(RACC), New Delhi.

7.1 The challenge in the present Appeal is for enhancement of the



amount of compensation awarded in the sum of Rs. 6,02,000/- along with 9% interest per annum.

8. It is the case of the Appellant that the Appellant suffered from serious injuries including permanent disability of 58% in his right lower limb. Learned Counsel for the Appellant submits that the loss of income during the treatment period and the loss of income in the future period was not correctly evaluated by the learned Tribunal. Although the Appellant was getting a salary of Rs.81,450/- the learned Tribunal basis the fact that photocopies of the salary slips were filed and the original record was not brought has held that it is impossible that the Appellant was drawing a salary of Rs.81,450/- when he was possessing only an intermediate certificate and no technical professional qualifications.

9. Learned Counsel for the Appellant further submits that the Appellant also produced an officer from the company as a witness, however, even the evidence with respect to that officer was not taken into account by the learned Tribunal. It is submitted that the Appellant was working in the company from the year 1975, and since he was employed with the company for so long, was drawing a salary of Rs. 81,450/- as was stated by him. Learned Counsel further seeks to rely upon the judgment of the Supreme Court in Anita Sharma & Ors. v. New India Assurance Company Limited & Anr.; (2021) 1 SCC 171 to submit that strict rules of evidence are not applicable in motor accident claim cases.

10. Issue Notice.

10.1 Learned Counsel for Respondent No.2 accepts Notice.

10.2 Learned Counsel for the parties submit that no relief is claimed against the Respondent No.1 and no recovery rights have been granted against him, hence, service to Respondent No.1 may be dispensed with.

11. Learned Counsel for Respondent No.2 does not dispute the legal proposition that strict rules of evidence do not apply in proceedings under the Tribunal.

12. Learned Counsel for the Appellant has placed on record copies of the Income Tax Returns, salary slips as well as all documents in support of the salary of the Appellant to show that the Appellant was in fact getting a salary of Rs.81,450/-, however, does not dispute the fact that some of these documents were not before the learned Tribunal.”

11. Learned Counsel for the Appellant once again reiterates his contention that at the time of the accident Appellant/Injured was drawing a



salary of Rs.81,450/- per month, however, the learned Tribunal has considered the income of the Appellant on the basis of minimum wages of a skilled worker. Learned Counsel for the Appellant submits that he may be granted an opportunity to lead additional evidence in support of his contention *qua* the income of the injured.

11.1 Learned Counsel for the Appellant further submits that no unnecessary adjournments will be taken before the learned Tribunal.

12. Learned Counsel for Respondent No.2, on the other hand, submits that the opportunity may be granted, however, limited to the aspect of loss of income and loss of earning capacity. It is further submitted that Respondent No.2 may also be permitted to lead evidence in rebuttal in the matter.

13. Accordingly, this Appeal is taken up for hearing and disposal. The following directions are passed:

- (i) The matter is remanded to the learned Tribunal to adjudicate afresh on two aspects i.e., (a) loss of income; and (b) loss of earning capacity of the Appellant;
- (ii) The parties shall appear before the learned Tribunal on 26.05.2025;
- (iii) The Appellant shall take steps in accordance with law to bring on record the additional documents or evidence that he wishes to rely upon within three weeks from the date of this order, *albeit* in accordance with law.
- (iv) The learned Trial Court is at liberty to examine any contention raised by the parties in addition to what is stated above, if deemed requisite.

14. Needless to add, the amounts that have been deposited by Respondent No.2 shall be taken into consideration by the learned Tribunal



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while passing of the final award.

15. The Appeal is disposed of in the foregoing terms. All pending Applications stand closed.

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

TARA VITASTA GANJU, J

APRIL 29, 2025/ ha/pa

[Click here to check corrigendum, if any](#)