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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAC.APP. 362/2013

BIPIN KUMAR SINGH

..... Appellant

Through: Mr. S.N. Parashar, Advocate.

Versus

OM PRAKASH AND ORS.

..... Respondents

Through: Mr. Rajat Brar, Advocate for
Respondent No.3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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27.04.2017

The Award is impugned on the ground that the appellant has suffered permanent disability upto 40% with respect to his right lower limb and the doctor has advised that the reassessment should be done after a year so as to arrive at a conclusive view about the permanent disability. The learned counsel for the insurer does not dispute the fact that the doctor had said so.

The appellant's case is that the doctor's statement was recorded on 20.08.2009. For the past eight years, the appellant has not recovered from his 100% disability in his right lower limb rendering him unable to work as a motor vehicle driver. Since the Award had computed the compensation on the basis of 40% disability at that time, it would be appropriate that a fresh assessment of the functional disability be done by a Medical Board to be set up by the Medical Superintendent of Maharishi Valmiki Hospital, Delhi in four weeks and shall submit its report before the Tribunal.

The case is remanded back to the concerned Tribunal for re-computation, if any, on the basis of reassessment of the functional disability of the appellant, as may be reported in the aforesaid medical examination by the Medical Board.

The parties shall appear before the Medical Superintendent of the aforesaid hospital on 18.05.2017 and before the Tribunal on 26.05.2017.

The appeal stands disposed off in the above terms.

NAJMI WAZIRI, J.

APRIL 27, 2017

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