

\$~23

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

+ **MAC.APP. 906/2017**

EKTA RANI

..... Appellant

Through: Mr.Manish Maini and Ms. Hreeshika
Bhargav, Advs.

versus

**JAHURUDDIN @ MEHTALI & ORS (IFFCO TOKIO GENERAL
INSURANCE CO LTD)**

..... Respondents

Through: Mr. Arihant Jain Adv. for Ms.Shantha
Devi Raman, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% 16.10.2017

1. Issue notice to the third respondent (insurer) on which the liability was fastened by the Tribunal.
2. Mr.Arihant Jain accepts notice on behalf of respondent No. 3.
3. The appellant is claimant whose case for compensation on account of injuries and permanent disability suffered in a motor vehicular accident was also part of the subject matter before the Tribunal on the basis of Detailed Accident Report (DAR) submitted by the local police in the wake of investigation in corresponding FIR, the other case also decided by the impugned judgment dated 31.05.2017 being her claim, with that of others, on account of death of her husband Manoj Lamba.
4. The claimant submits that her functional disability has been assumed

to be 18% whereas her injuries and the aftermath thereof justified the adoption of evaluation of 35% as per the disability certificate.

5. The observations in paras 48 and 49 of the impugned judgment are found to be highly confusing. The Tribunal has not given any indication about its views on the extent of functional disability. In these circumstances, the proper course would be to remand the matter to the Tribunal for fresh determination.

6. Ordered accordingly.

7. The parties shall appear before the Tribunal for further proceedings on 15.11.2017. Though the liability to pay compensation has to be borne by the insurer, in all fairness, the Tribunal before proceeding further may consider the need to issue notice to other respondents also ascertaining from the parties which appear the need for any further evidence on the above score.

8. *Dasti.*

R.K.GAUBA, J

OCTOBER 16, 2017

mr