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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 608/2016 & CM APPL. 47966/2016**

**BHARTI AXA GENERAL INSURANCE COMPANY
LTD**

.....Appellant

Through: Mr. Navneet Kumar and Mr.
Harsh Sharan, Advs.

versus

CHHOTU & ANR

.....Respondents

Through: Mr. R.K. Nain, Ms. Pratima N.
Lakra, Mr. Daksh Nain and Mr.
Chandan Prajapati, Advs. for R-
1.
Mr. Sumit K. Batra, Adv. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **07.05.2025**

1. This hearing is being conducted through hybrid mode.

**CM APPL. 6114/2024 – FOR SUBSTITUTION OF
APPELLANT**

2. This application is moved on behalf of the applicant/ICICI Lombard General Insurance Company Ltd. for substitution of its name in place of the original appellant- M/s Bharti Axa General Insurance Company Ltd. on its demerger.

3. The present application is dated 30.01.2024.

4. It appears that this Court by way of order dated 14.09.2023 and thereafter on 01.02.2024 gave ample opportunities to the applicant/Company to place on record the *vakalatnama* as well as the authority letter in favour of the AR of the applicant, however, no *vakalatnama* has been placed on the record yet.



5. Although learned counsel for the applicant submits that he has filed the *vakalatnama vide* Diary No. 3222978 of 2025, the same is not found on the record.

6. Therefore, the present application deserves to be dismissed for want of proper authorisation on behalf of the applicant/Company in pursuing the present matter.

FAO 608/2016

7. After hearing the learned counsels for the parties on merits, this Court has no hesitation in holding that the present appeal filed under Section 30 of the Employee's Compensation Act, 1923 is bereft of any merits inasmuch as the only dispute raised is as regards the functional disability of the respondent No. 1 which has been assessed at 100%. though the disability certificate lays down that he has suffered 38% permanent disability in relation to his right lower limb.

8. Aa cursory perusal of the impugned order dated 04.07.2016 passed by the learned Commissioner, Employee's Compensation would show that the respondent No. 1 was evidently working as a driver and he suffered permanent disability in an accident arising out and in the course of his employment.

9. It is also evident that the disability is with regard to the stiffness of the joints and non-functionality of the right lower limb of the respondent No. 1. This Court finds that since the injured-claimant was employed and working as a driver, it is but apparent that the disability has rendered him unsuitable for gaining any employment in such capacity. That being the case, the functional disability @100% has been rightly assessed by the learned Commissioner.



10. In view of the aforesaid discussion, there is no substantial question of law raised in the present appeal. The same is hereby dismissed. All applications stand disposed of accordingly.

DHARMESH SHARMA, J

MAY 7, 2025/gunn/Es