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

\+ MAC.APP. 25/2026CM APPL. 1754-1756/2026

IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED .....Appellant

Through: Ms. Suman Bagga and Ms. Mauli Sharma, Advocates.

versus

SH. RAJESH & ORS. .....Respondent

Through: Mr. Manish Batra and Mr. Pawan Kumar Kashyap, Advocates.

**CORAM:**
**HON'BLE MR. JUSTICE ANISH DAYAL**

**O R D E R**

% **12.01.2026**

1. This appeal has been filed assailing award dated 11th August, 2025 passed by ***Motor Accidents Claims Tribunal*** ('*MACT*'), Rohini in *MAC Petition No. 4548/2016.*

2. *Ms. Suman Bagga*, counsel for appellant points out that the impugned award has been passed after remand and re-assessment pursuant to a previous judgement passed by a Coordinate bench of this Court on 19th June, 2025 in *MAC APP. No. 663/2018* and *MAC APP. No. 233/2019* (cross appeals between claimant and insurance company).

3. The previous award was passed on 23rd April, 2018 in *MAC Petition No. 4548/2016.* Tribunal had awarded a compensation of *Rs. 18,51,100/-,* along with an interest of 9% per annum from the date of filing of claim

petition against the owner and driver jointly and severally.

4. The insurance company filed an appeal being *MAC APP No. 663/2018* seeking reduction in the awarded compensation and the victim filed cross objection. After assessing the contention of parties, the said appeal was disposed of by following directions:

> *"53. Keeping in view the facts and circumstances of the case, the appeals are partly allowed. The matter is remanded back to the learned Tribunal for the limited purpose of re-determining the compensation by (i) recomputing the loss of future income by considering the victim's functional disability at 40% and reassessing the victim's income in line with the observations made by this Court; and (ii) enhancing the compensation for conveyance, special diet and attendant charges in view of the observations by this Court.*
> *54. The findings of the Tribunal on all other issues are affirmed and shall remain undisturbed.*
> *55. The learned Tribunal shall undertake this re-computation expeditiously, preferably within a period of four weeks from the date of the first listing of the Claim Petition before the learned Tribunal on remand.*
> *56. The parties shall appear before the learned Tribunal on 07.07.2025.*
> *57. The compensation amount so determined, on remand, shall be released in favour of the appellant in accordance with the schedule of disbursal which will be stipulated by the learned Tribunal.*
> *58. It is also directed that the amount lying deposited with this Court be transferred to the concerned Tribunal.*
> *59. The present appeals are partly allowed in the aforesaid terms."*

5. Pursuant to that, the impugned award has been passed, where directions of this Court have been considered and the following re-assessment was made:

(i) Earlier determination was based on minimum wages, whereas the re-assessment of income has led to consideration of salary slip of claimant/injured who was working as a technician with *Rajiv Gandhi Cancer Institute and Research Institute* at the time of accident and therefore, monthly salary of claimant/injured at Rs. *21,053/-* has been consideration as a benchmark.

(ii) Direction of this Court to reduce the functional disability from 50% to 40% has also been accommodated and total loss of future income has been accordingly calculated.

(iii) Directions passed relating to conveyance, special diet and attendant charges have also been accommodated in consonance with directions of this Court.

(iv) Re-assessed compensation is now *Rs. 27,83,000/-* along with an interest of 9% per annum.

6. *Ms. Suman Bagga* counsel for appellant states that insurance company is still aggrieved by the re-assessed compensation on the basis that, claimant/injured has not discontinued his job and therefore, the functional disability ought not to have been considered.

7. She further states that no direction was given by this Court on 19th June, 2025 regarding future prospects and regards multiplier which ought to have been considered in the re-assessment as well.

8. This Court finds pleas by appellant/insurance company absolutely untenable, specious and an attempt to subvert the judgement dated 19th June, 2025 already passed by this Court, which is categorical and clear in its directions. A perusal of the judgement would also show that all aspects of

the contentions of appellant/insurance company have been considered and if there was any issue relating to any clarification required with respect to that judgment, the same ought to have been moved, which has not been.

9. In these circumstances, the Court is not inclined to allow this appeal and is therefore, dismissed.

10. Pending application(s) stands dismissed as infructuous.

**ANISH DAYAL, J**

**JANUARY 12, 2026/**MK/*sp*