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

+ **MAC.APP. 330/2023**

PAWAN KUMAR @ SONU

.....Appellant

Through: Mr. Chandan Prajapati, Mr. Vikrant
Malwal, Mr. Abhinav Chaudhary,
Mr. Mukul Kumar and Mr. Lakshay,
Advocates.

versus

HARSH & ORS.

.....Respondents

Through: Ms. Nandita Gupta, Advocate
(*through VC*)

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
13.03.2026

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1. Pursuant to the previous order dated 02nd February 2026, the medical condition of *Sh. Pavan Kumar* has been assessed by the Medical Board, Lok Nayak Jai Prakash Narayan Hospital, Delhi, and the said Disability Certificate below has been placed on record:



Through Special Messenger

चिकित्सा अधीक्षक कार्यालय
OFFICE OF THE MEDICAL SUPERINTENDENT
लोकनायक अस्पताल नई दिल्ली - ११०००२
LOK NAYAK HOSPITAL: NEW DELHI-110002

No.F.D.M.S/OPD/Dis.Court Matter/LNH/2026/ 260 Dated: 25/02/2026

To
The Hon'ble Ms Justice Tara Vitasta Ganju
High Court of Delhi,
New Delhi,

MAC. APP.330/2023
Title: PAWAN KUMAR @ SONU VS HARSH & ORS.
Sub:- Medical Examination in r/o Sh. Pawan Kumar @ Sonu.

Respected Showeth;

Most respectfully, in compliance of Hon'ble Court order vide dated 16.09.2025 to assess the disability of the appellant **Sh. Pawan Kumar @ Sonu**, it is stated that:

Sh. Pawan Kumar @ Sonu was examined clinically in detail by the doctors of the medical board, who advised Surgery Opinion, X-Ray, Occupational Therapy & Physiotherapy assessment. The patient was reviewed with her investigations report on 05.02.2026. The board has opined as under:

Surgery opinion: No disability from surgery side.

Orthopedic Opinion: The patient is a c/o posttraumatic arthritis Left Midfoot. The Patient has a locomotor disability of 11% (Eleven Percent) which is permanent, non progressive and unlikely to improve.

Dr. Yash Jain
Senior Resident
Dept. of Orthopedics, LNH

Dr. Mayank Gupta
Associate Professor
Dept. of Orthopedics, LNH

Dr. Jitlok Chand
Professor
Dept. of Surgery, LNH

(Dr. Kumud Bharti)
CMO (NFSG)/Chairperson
Disability Medical Board
Lok Nayak Hospital

2. Counsel for appellant, who seeks enhancement of compensation,

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requests that the matter be remanded to the MACT to lead additional evidence to demonstrate that, in this context, appellant's functional disability is much higher. Consequently, compensation towards loss of future income ought to have been granted, which was not granted at all by the MACT in its award dated 05th September 2022.

3. Counsel for appellant, on instructions, submits that appellant has suffered serious injuries to the abdomen and that its functionality has been significantly reduced, which is not reflected in the Disability Certificate that was issued after a recent assessment. He submits that 'disability' in the certificate considered only the leg injury.

4. Accordingly, the matter is remanded back to the MACT for allowing the appellant to lead evidence with respect to the functional disability, which could impact the assessment of loss of future income. Only to that extent, MACT may allow appellant to lead evidence and the Insurance Company to rebut the same and decide if any further compensation is to be granted.

5. List before the MACT on 15th April 2026.

6. Considering that it is an accident of 2016, and only compensation of Rs. 2,31,000/- has been awarded, MACT may expeditiously dispose of the matter.

7. The appeal is, accordingly, disposed of.

8. Pending applications, if any, are rendered infructuous.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 13, 2026/RK/zb