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

\# **CNR No. DLHC010766822025**

\+ MAC.APP. 651/2025

ATUL KAPOOR .....Appellant

Through: Mr. Dharam Raj Ohlan, Adv.

versus

SUBHASH CHANDRA & ORS. .....Respondent

Through: Mr. Shakil Ahmad, Adv. for R-2 to 4.
Mr. Sameer Nandwani, Adv. for R-5.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 09.10.2026

1. This appeal has been filed against judgment dated 29th May 2025, passed by the Motor Accident Claims Tribunal, South District, Saket Courts, New Delhi ['***MACT/Tribunal***'], in *Petition No. 311/2022*, whereby compensation of *Rs.33,39,412/-* along with interest @ 9% per annum, was awarded to the appellant/claimant ['***impugned judgment***'], who suffered *59% permanent physical disability* on account of an accident, which occurred on 27th February 2021.

2. *Mr. Dharam Raj Ohlan*, counsel, appears on behalf of appellant/claimant, and pleads that the matter be remanded back to the MACT on the following counts:

(i) ***Firstly***, that the MACT did not grant any compensation towards *medical expenses* on the ground that the bills produced in that regard were photocopies. *Mr. Ohlan*, counsel for

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appellant/claimant, states that the counsel previously engaged did not produce the original medical bills and, therefore, the same were not taken on record. To this extent, they seek a remand to the MACT for producing the original medical bills.

(ii) ***Secondly,*** that appellant/claimant has incurred a cost of about *Rs.41,00,000/-* towards surgery performed in the *USA*, due to dislodgement of the implanted plate. He submits that said surgery had been performed *6 days* prior to the impugned judgment and, therefore, they seek compensation in that regard.

Mr. Sameer Nandwani, counsel for Insurance Company, has vehemently objected to the same, stating that the accident had occurred in 2021 and, therefore, whatever surgeries were required to be performed upon injured/claimant had already been performed. He states that the *issue of causation* cannot be proved as far as the subsequent event is concerned, particularly when injured/claimant was fit enough to travel to the USA.

In the opinion of this Court, aforesaid submission of the Insurance Company is tenable, considering that the injured/claimant has chosen to undergo a surgery in the USA since he was traveling to meet his children, as stated by counsel for injured/claimant. The MACT had granted complete compensation towards all counts in this regard and neither had anything been pleaded before the MACT. Accordingly, compensation cannot be extended to include various subsequent costs, that may not be connected to the accident.

(iii) ***Thirdly,*** counsel for injured//claimant, states that he needs to file

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other Income Tax Returns ['***ITRs***'] for determination of his income.

The Court, however, rejects this plea, considering that whatever documents had been produced by injured/claimant at that stage, had been duly considered by the MACT. Allowing subsequent improvements at a later stage would be opening up a *Pandora's Box* for claimants to file appeals seeking enhancement on that account. It is further noted that injured/claimant [*53 years of age*] is a businessman, running the business of *Bhagwati Borewell* in *Delhi* and, therefore, it is not as if he had been misled to not file the requisite documents at the appropriate stage, when MACT proceedings were going on.

3. Accordingly, the appeal is allowed to the extent that the matter be remanded to the MACT for re-consideration of compensation awarded towards *medical expenses* on the basis of original documents, which shall be filed by counsel for injured/claimant.

4. The contesting parties shall be entitled to raise their objections to the same, if they so wish to.

5. List before the MACT on 16th November 2026.

6. Accordingly, the appeal is disposed of.

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

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

ANISH DAYAL, J

OCTOBER 9, 2026/MK/ya

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