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

+ **MAC.APP. 650/2024**

DR SHYAM SUNDER SHARMA

.....Appellant

Through: Mr. Manish Maini, Ms. Aastha
Chauhan, Advocates.

versus

**ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
AND ANR**

.....Respondents

Through: Mohd. Mustafa, Advocate for
Respondent no.1.

(56)

+ **MAC.APP. 47/2025**

SH AKSHAY KUMAR SHARMA

.....Appellant

Through: Mr. Manish Maini, Ms. Aastha
Chauhan, Advocates.

versus

**ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.
AND ANR.**

.....Respondents

Through: Mohd. Mustafa, Advocate for
Respondent no.1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **10.04.2026**

CM APPL. 23293/2026 (for early hearing) in MAC.APP.650/2024

1. This application has been filed seeking early hearing of C.M. APPL
No. 72301/2024 for leading additional evidence.

2. In view of facts and circumstances stated in the application, the same
is allowed and disposed of.

**MAC.APP. 650/2024 along with CM APPL. 72301/2024 (leading
additional evidence)**



1. *Mr. Manish Maini*, counsel for claimant, submits that an application dated 13th December 2022 seeking permission to lead additional evidence before the Motor Accident Claims Tribunal, North-West District, Dwarka Courts, New Delhi (***MACT***) regarding fresh medical assessment and additional medical treatment, was neither discussed nor appreciated in the impugned Award dated 17th September 2024. This has caused great injustice to appellant/injured, who has undergone continuous hospitalization post the accident which had occurred on 23rd December 2014.
2. It is stated in the said application that, due to the accident, the appellant sustained post traumatic fracture shaft femur (L), fracture patella and fracture Tibia (L) involving shortening of left lower limb. The treatment history, as set out in the application in tabulated form, is extracted therein for reference.

S.No	Hospitals	Date of Admission & Date of Discharged	Treatments
1.	Sheetla Hospital, Gurugram	23.12.2014 to 26.12.2014	Nailing done + Implants inserted in Tibial & Femoral part left leg.
2.	Medanta –The Medicity DLF Cyber City, Gurugram	Outdoor patient 22.03.2016	Clinical advice & X-rays done
3.	Civil Hospital, Gurugram	05.04.2016 to 07.04.2016	Case of non-union of femur bone due to infection.
4.	Ganesh Ortho Trauma & Medical Centre, Krishna Nagar, Delhi	Outdoor patient 14.07.2016	Case of non-union of femur bone with broken implant left thigh. Re-surgery advised under anesthesia
5.	Pt. B.D. Sharma Hospital, Rohtak	26.07.2016 to 03.08.2016	Nail broken + Removal of Implant from left thigh (Femur) + Fresh Implant Inserted.
6.	AIIMS Hospital, Delhi	Outdoor patient 22.07.2019	Case of shortening of left lower limb observed + implant in Situ referred to Prof. H.L. Nag



7.	DDU Hospital, Delhi	06.08.2019 to 10.08.2019	Observation of infection in Tibial Nail with Puss discharge: Surgical debridement of wound done. Removal of broken screw with C/C iliac crest, bone grafting. Attempt operation for Nail extraction: unsuccessful. Referred to higher center for further management.
8.	Ayushman Hospital, Dwarka	Outdoor Patient 11.08.2020 & 21.08.2020	Medical Advice
9.	Manipal Hospital, Dwarka	Outdoor Patient 22.08.2020	Medical Advice
10.	Max Super specialty Hospital, Shalimar Bagh, Delhi	Outdoor Patient 05.09.2020	Medical Advice
11.	Safdarjung Hospital, Delhi	24.09.2020 to 26.09.2020	X-rays & Investigations: Declared Covid + at 1:00 A.M. and referred to Covid center
12.	ESI Hospital, Basai Darapur, Delhi	O.P.D. 12.10.2020 & 27.10.2020	Medical Advice
13.	Sir Ganga Ram Hospital Delhi	03.11.2020 to 04.11.2020	Emergency-ward, wound debridement
14.	Venkateshwara Hospital, Delhi	31.12.2020 to 07.01.2021	Disintegration of infected Tibial bone due to spread of infection & Burst out puss (non-stop): Tibial Nail removed & plating done. New implant not inserted as causing infection: artificial PTB & braces advised. Amputation also advised.
15.	JAIN Orthotic & Prosthetic Rehabilitation Clinic	OPD 10.04.2021	Special High-tech PTB Orthopedic Boots purchased
16.	BLK Hospital, Delhi	15.07.2022 to 23.07.2022	Ilizarov External Fixator re-applied Tibia Implant Ilizarov External Fixator (Infected Non-union)
17.	BLK Hospital, Delhi	05.08.2022 to 07.08.2022	Change of ring & pin of Ilizarov Ext. Fixator



18.	BLK Hospital, Delhi	09.09.2022 to 11.09.2022	Infected Tibial bone grafting & wound debridement
19.	St. Stephen Hospital, Delhi	20.04.2023 to 25.04.2023	Brust Puss out removed of Infected Tibial bone, External fixator re-applied
20.	St. Stephen Hospital, Delhi	01.07.2024 to 05.07.2024	Freshend edge & compressed B.M. injected X 4 times gap of 1 month each. Removal of Illizarov of Ext. Fixator & PTB applied. Treatment to continue for non-union infected bone.
21.	Active OPD treatment thereafter from various hospitals	Till date	

3. *Mr. Maini* submits that the appellant has been undergoing continuous medical treatment and that the injuries have not yet healed. It is further submitted that two Permanent Disability Certificates have been issued by different government hospitals, one of which assesses the appellant's disability at 49% permanent locomotor disability, along with a shortening of 3.5 inches in respect of the left lower limb. These Disability Certificates were placed on record as part of the application before the MACT; however, they were not considered. Instead, the MACT relied only on an earlier Disability Certificate assessing 12% physical disability in relation to the left lower limb, with shortening of 2 inches. It is, therefore, submitted that unless the actual medical condition is duly appreciated, the compensation awarded would not be just and reasonable.

4. *Mr. Mustafa*, counsel appearing for the insurance company, however, relies upon the impugned award to state that the Disability Certificate has already been considered.

5. Having appreciated the facts and circumstances stated in the



application and that the evidence was already moved before the MACT, this Court is of the opinion that the matter be remanded back to the MACT for re-examination to the extent of the current disability.

6. For this purpose, the MACT shall decide whether to have the appellant re-examined by a Medical Board or to consider the Disability Certificates already placed on record.

7. Pursuant to the decision regards the assessment of physical disability, the compensation would be re-computed by the MACT, if so necessary.

8. Needless to state, all pleas of the Insurance Company shall remain open.

9. List before the MACT on 27th April 2026.

10. Considering that only re-examination of medical evidence is required, the MACT shall endeavour to conclude the proceedings within a period of three months.

11. Appeal stands disposed of in above terms. Pending application, if any, are rendered infructuous.

12. The date already fixed i.e. 17th September 2026, stands cancelled.

CM APPL. 23275/2026 (early hearing) in MAC.APP. 47/2025

1. This application has been filed seeking early hearing of the appeal listed for 17th September 2026.

2. In view of facts and circumstances stated in the application, the application is allowed and disposed of.

MAC.APP. 47/2025

1. The present matter relates to the injured appellant/*Akshay Kumar Shama*, son of *Dr. Shyam Sunder Sharma*, both of whom sustained injuries in the same accident. Despite serious grievous injuries being received by the



appellant/*Akshay Kumar Shama* including, fracture in both bones (*femur & tibia*) on his left leg and a steel implant having been inserted, and continued OPD treatment and had undergone bone grafting, no Disability Certificate was issued by the DDU hospital, despite being examined.

2. On 1st February 2016 Medical Board opined that patient is having no permanent disability at this stage and the injuries have not yet healed. According to the appellant, the medical assessment was premature. Pursuant to COVID-19 pandemic, an application was filed on 13th December 2022 for assessment of medical disability before the MACT. However, said application was not considered while passing the impugned Award.

3. Accordingly, the matter is remanded to the MACT for assessment of the medical disability of the appellant.

4. Pursuant to the results of the Medical Board, if required, there shall be a re-computation of compensation.

5. For the said purpose, list before the MACT on 27th April 2026.

6. Needless to state, all pleas of the Insurance Company shall remain open.

7. Appeal stands disposed of in above terms. Pending applications, if any, are rendered infructuous.

8. The date already fixed i.e. 17th September 2026, stands cancelled.

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

ANISH DAYAL, J

APRIL 10, 2026/ak/zb