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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 43/2026, CM APPL. 2891/2026, CM APPL. 2892/2026**
& CM APPL. 2893/2026
SH. RAVIAppellant

Through: Mr. S.P. Gairola, Adv.

versus

SH. FANTOOSH RAJAK & ORS.Respondents
Through: Ms. Shruti Jain, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL
ORDER

% **16.01.2026**

1. This appeal has been filed assailing the impugned judgment dated 14th October 2025 passed by the MACT, Central District Tis Hazari Courts in MAC. PET. No.109/2023.
2. *Mr. S.P. Gairola*, counsel for appellant, states that he has an objection to the functional disability granted at 100%, even the permanent disability was shown as 46%.
3. A perusal of the impugned judgment shows that the permanent disability of 46% entailed the loss of the use of the right upper limb and the right lower limb. Since the claimant/injured was engaged in the profession of tailoring, the MACT rightly held that the said disability was to be treated as a functional disability of 100%, as there was no prospect of the claimant being able to continue his work as a tailor.
4. For this purpose, the relevant paragraphs are extracted as under:

“55. The petitioner has suffered a 46% permanent disability in his right upper limb and right lower limb. It is submitted on behalf of the petitioner that due to the said accident, he has lost his functional disability as he was



working as a tailor and unable to do that work. Hence, the petitioner has claimed loss of future earnings @ 100%.

57. Hence, the Tribunal has to examine as to how the disability suffered by the petitioner affects his ability to earn. As per the allegations of the petitioner, he was working as a tailor. He has suffered 46% permanent disability in right upper limb and right lower limb. Upper limb refers to the region of the body extending from the shoulder to the fingertips, encompassing the arm, forearm, wrist and hand. Hence, it is understandable that he shall not be able to work as a tailor anymore. Accordingly, functional disability of petitioner be assessed at 100%”.

5. In this view, the Court does not find any infirmity in the order of the MACT in this regard. It is natural that, for a profession of tailoring, the most important parts of the body utilised are the right arm and the right leg, and both being disabled in conjunction, it would be impossible for the claimant to continue to do the work of the vocation of his choice.
6. It is also noted that the age of the petitioner was 62 years and, therefore, relevant multiplier of 12 was correctly applied as per ***National Insurance Co. Ltd. v. Pranay Sethi & Ors.*** 2017 ACJ 2700 (SC)
7. Accordingly, the appeal is dismissed.
8. Pending applications, if any, are rendered infructuous.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 16, 2026/MK/bp