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

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Decided on: 31.10.2019

+ **MAC.APP. 403/2015 & CM 8181/2015**

SURAJ KUMAR

..... Appellant

Through: Mr. Shrey Chathly, Adv.

versus

DHANANJAY KUMAR & ORS (THE TATA AIG INSURANCE
COMPANY LTD)

..... Respondents

Through: Mr. Abhay Singh Bhadoria, Adv. for
Mr. Sameer Nandwani, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 10.11.2014 passed by the learned MACT in MACT No. 130/2011 on the ground that insofar as it does not grant the fitment of a prosthetic limb to the claimant. The Court would note that the injured has suffered amputation of the left lower limb. In any case, he has become 100% disabled because neither of his legs can function normally and he is having difficulty in walking with crutches. The Court is of the view that just compensation would include ensuring optimization of movement of the injured victim. Therefore, fitment of a prosthetic limb is the first necessity and provision of a motorized wheelchair would also be required to enhance his movement capacity. In the circumstances, let a prosthetic limb and motorized

wheelchair be provided to the satisfaction of the injured by the insurer within four weeks of receipt of the copy of this order.

2. The insurer shall pay the claimant cost of travel to Delhi and fitment of the prosthetic limb and the procurement of the motorized wheelchair either from Delhi or from Patna itself where he is said to be presently residing. The insurance company shall also provide telephone numbers of two responsible officials either in Patna or in Delhi, as well as their e-mail addresses, so that the insurer can be contacted in case any difficulty arises with the prosthetic limb and/or the motorised wheelchair. The appellant's complaint/communication to the insurer shall be promptly responded to within a week. The insurer shall on its own, ascertain the proper functioning of the aforesaid prosthetic and the wheelchair at least twice a year i.e. by the 5th day of January and 5th day of August.

3. The appeal is disposed-off in the above terms.

OCTOBER 31, 2019

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NAJMI WAZIRI, J