

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.4223 of 2013
Date of Decision: 27.02.2015

Oriental Insurance Company Ltd.Appellant

Vs.

Ram Saroop and OthersRespondents

CORAM: HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN.

Present:- Mr.Sanjiv Pabbi, Advocate for the appellant.

Mr.A.S.Tewatia, Advocate for respondent No.1.

None for respondents No.2 and 3.

MAHAVIR S. CHAUHAN, J. (ORAL)

In the instant case, compensation amounting to ₹5,29,316/- has been awarded in favour of the applicant/respondent No.1 by the learned Motor Accident Claims Tribunal, Panchkula (for short-'the Tribunal') vide Award dated 30.01.2013. This appeal has been brought by the insurer to challenge the impugned award.

During the pendency of the appeal, respondent No.1- Ram Saroop was directed to place on record an affidavit to show what reimbursement if any, has been received by him from his employer in respect of medical expenses. He has placed on record his affidavit dated 22.01.2015, according to which an amount of ₹2,58,490/- has been received by him by way of reimbursement of the medical expenses from his employer. This amount, according to learned counsel for the appellant has to be set off against the amount of compensation awarded by the learned Tribunal.

Learned counsel for respondent No.1 has not been

able to controvert this assertion.

In these circumstances, amount of compensation awarded by the learned Tribunal has to be appropriately brought down by reducing the amount of ₹2,58,490/- from it. Beyond this, learned counsel for the appellant-insurer does not press this appeal. He has not been able to point out any illegality in the impugned award.

In these circumstances, the appeal is disposed of by modifying the award to the extent that an amount of Rs.2,58,490/- received by the applicant/respondent No.1 as medical reimbursement shall be reduced from the amount of compensation awarded by the learned Tribunal. Other terms of the impugned award shall remain unchanged.

No costs.

(MAHAVIR S. CHAUHAN)
JUDGE

27.02.2015
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