THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1285 of 2016 (O&M)
Date of decision: February 23, 2016

Royal Sundaram Alliance Insurance Co. Ltd.

...Appellant

Versus

Smt. Sushil and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. RS Madan, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. The insurance company which is in appeal on the quantum brings three contentions: one, the medical bills have not been proved; two, one of the claimants son was major and not dependent and the provision should have been made only for love and affection and the third, the deceased was treated as unskilled labour and Tribunal has taken his income as ₹6000/- when as per the notification issued by the State of Haryana at the relevant time it was only ₹5,500/-.

2. The accident had taken place on 6.2.2014 and the deceased had prolonged treatment upto 7.6.2014. There was evidence to the effect that he was originally taken to General Hospital, Sonepat, later referred to PGI, Rohtak and later admitted to Max Superspeciality Hospital at Delhi where he remained as an indoor patient for three months before he succumbed to his injuries. The evidence was that the family had spent about ₹20 lakhs for

his treatment. The medical bills, however, were to the tune of ₹17,95,234/- and the Tribunal allowed the entire medical expenses to be given. I cannot understand how in the absence of any convincing evidence to disprove the genuineness of the treatment taken at super specialty hospital, the medical bills could be discarded. A procedure under the Motor Vehicle Act allows for the proceedings to be summary and if the Tribunal has no reason to suspect the genuineness of the bills and could easily understand that a person who had taken treatment for a period of three months before his death in a super specialty hospital at the national capital ought to have spent large money, there is no reason to discard the documentary evidence. I therefore, reject the first contention.

3. Apart from the sons, the widow and the mother of the deceased were also the claimants. The Tribunal had taken the income to be modest at ₹6,000/- against the claimants' own assertion that the deceased was earning ₹30,000/- per month. Even a major son under Indian social condition lives with his father and if the Tribunal was making a provision only for 1/4th deduction, I will not find that there is any serious error. The son is at all times till he is gainfully employed is dependent on the father, notwithstanding the majority of the son. The contribution of the family has been taken at even less than five thousand rupees by the Tribunal, inasmuch as it provided for ₹54,000/- annually as contribution to his family. The claim assessed to include the major son as dependent cannot under the circumstances bring about any major change in the quantum assessed.

4. The income assessed cannot be merely tested on what the minimum wages are for an unskilled worker. A patient who could afford ₹15 lakhs for treatment in the last three months cannot be a worthless

person. At least to the family members, any amount was worth spending for him to keep him alive. That ought to be the value of an individual himself and I will not find any error in the Tribunal assessing at ₹6,000/- as his income.

5. The award already passed is sustained and the appeal is dismissed. The amount of ₹25,000/- deposited before this Court is ordered to be transmitted to the credit of the MACT, Sonepat, for partial satisfaction of the award.

February 23, 2016 **(K.KANNAN)**
prem **JUDGE**