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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.8493 of 2015 (O&M)
Date of Decision : 07.04.2016

New India Assurance Company Ltd.

...... Appellant

Versus

Ranjit Kaur and others

...... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr. Paul S. Saini, Advocate
for the applicant-appellant.

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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?

<u>AJAY TEWARI, J. (Oral)</u>

This appeal has been filed against the award dated 23.09.2015 whereby an amount of Rs.1,95,798/- was awarded to the claimant on account of injuries suffered by her in a motor vehicular accident.

The limited issue raised by the appellant-insurance company is that the medical expenses bills of Rs.1,57,000/- odd which has been awarded could not be so awarded because in fact that money was paid by the society of which the respondent No.1-claimant was a member. In support of this there are two circumstances. One, the fact that the respondent No.1-claimant did not have the original bill in her possession and second, the statement of the official from the hospital who had come with the record to the effect that the bill was paid by the said society. However, in the cross-examination that official admitted that there was neither any receipt in favour of the society and except one stamp on the front page there was no indication that the amount had been paid by the society.

In my opinion, the appellant did not choose to produce the best evidence viz. any official from the society to corroborate the assertion that the expenses were paid by the society and not by the respondent No.1. In the circumstances, it cannot be held that the preponderance of probability lies on the side of the appellant.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

April 07, 2016
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