

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

Date of decision: 29.11.2018

1.

FAO No. 6228 of 2013(O&M)

Sammat Devi

.....Appellant

VERSUS

Ishwar Singh and others

.....Respondents

2.

FAO No. 6233 of 2013(O&M)

Yad Ram Yadav

.....Appellant

VERSUS

Ishwar Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. J.P. Sharma, Advocate for the appellant.

Mr. Mukesh Yadav, Advocate for respondents No.1 and 2.

Mr. Eklavya Darshi, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

This order will dispose of FAO Nos. 6228 and 6233 of 2013
as these have emerged out of the same accident dated 09.09.2011 wherein
Sammat Devi and Yad Ram Yadav sustained injuries.

The sole grievance of the injured/appellants is that the Motor Accidents Claims Tribunal, Narnaul (in short 'The Tribunal') has not allowed reimbursement of medical expenses on the basis of bills available on record.

Counsel for the appellants would urge that the claimants may be allowed an opportunity to prove the bills, in accordance with law and thereafter re-assessment of compensation qua medical expenses incurred by the claimants, may be made.

Counsel for the insurance company, on the contrary, would argue that as the injured sustained simple injuries, there was no reason to spend any money after discharge from the hospital and some of the bills pertain to the period one year after the accident.

Be that as it may, plea of the claimants is that they had incurred medical expenses on their treatment qua injuries sustained in the occurrence. Taking into consideration that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation and the Tribunal has an obligation to award just and reasonable compensation, it would be in the fitness of things if the claimants are allowed opportunity to prove the bills, in accordance with law. In this view of the matter, compensation allowed by the Tribunal qua medical expenses shall be re-assessed on the basis of materials already on record and to be produced in additional evidence.

For the foregoing reasons, the appeals are disposed of. The claimants are left at liberty to adduce additional evidence to prove medical

expenses in accordance with law. The Tribunal shall re-assess only medical expenses incurred by the claimant on the basis of materials already on record and additional evidence to be adduced by the claimant(s) and evidence in rebuttal, if any, to be led by the insurance company. The parties through their counsel are directed to appear before the Tribunal on 18.12.2018. The Tribunal shall complete aforesaid exercise within a period of three months from the parties putting in appearance.

NOVEMBER 29, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no