IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO no.5923 of 2015
Date of Decision: 05.07.2018

Universal Sompo General Insurance Co. Ltd. ...Appellant

Vs.

Rajender Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Chandandeep Singh, Advocate
with Mr.Sahil Abhi, Advocate
for the appellant.
None for respondent no.1.
Ms. Deepa Jain, Advocate for
Mr. Y.D.Kaushik, Advocate, for respondents no.2 and 3.

Amol Rattan Singh, J (Oral)

In this appeal filed by the Insurance Company that had insured the vehicle in question, i.e. an Activa scooter bearing registration no.HR-51-AQ-5554, the essential challenge is to the calculations made by the Motor Accident Claims Tribunal, Faridabad (in short "the Tribunal"), vide the impugned Award dated 07.05.2015, inasmuch as, though firstly it has been admitted in the claim petition itself that the claimant (respondent herein) who had suffered injuries in the accident, had already received a sum of Rs.2,49,990/- by way of reimbursement of the medical expenses incurred by him, from the company to which he had subscribed for a medical health insurance policy, i.e. TPA Vipul Medical Corporation, yet, the Tribunal in its Award, after having noticed the aforesaid fact as regards the bills Exs.P-1 and P-2, in paragraph 26 of its Award has calculated the total amount of the bills, Exs. P-3, P-4, P-8, P-9 and P-12, P-18 to P-21, to be Rs.4,45,000/- which includes (as contained in the aforesaid paragraph) a sum of

Rs.1,29,697/- (rounded off to Rs.1,30,000/-) separately calculated as regards the bills Exs.P-18 to P-21, which actually is a wrong calculation shown, as the total amount of the said bills (Exs.P18 to P21) is only Rs.1471.55.

Learned counsel for the appellant-Insurance Company has taken me through the record of evidence before the Tribunal, in which, firstly, in paragraph 13 of the claim petition, respondent no.1 herein admitted to having received Rs.2,49,990/-, as noticed herein above, from the medical insurance company and secondly, calculation of the total sum of all the bills as were led by way of evidence before the Tribunal, i.e. Exs.P-1 to P-4, P-8, P-9, P-12, P-18 to P-21, amounts to Rs.4,29,457.65 (rounded off to Rs.4,29,458/-) of which, as already noticed, the claimant admitted to have got reimbursed Rs.2,49,990/-.

Thus, only Rs.1,79,467/- actually remain to be reimbursed to him for the medical expenses incurred by him for treatment of the injuries received by him in the accident in question.

Further, it is seen that other than for costs of medicines and medical treatment, the Tribunal awarded Rs.10,000/- for pain and suffering and special diet, Rs.5000/- for transportation and Rs.12,000/- towards loss of income, i.e. a total of Rs.27,000/- under heads other than those for costs of medical treatment.

If Rs.27,000/- are added to the actual amount spent on medical treatment, i.e. to Rs.4,29,458/-, the total comes to Rs.4,56,458/-.

Of the aforesaid total sum, Rs.2,49,990/- already having been reimbursed to respondent no.1-claimant, by his medical insurance company, what would remain to be paid to him from the total compensation, would be Rs.2,06,468/-.

The appeal is allowed to the aforesaid extent.

It is to be noticed here that, despite service, respondent no.1 has not contested the appeal at all, not even putting in an appearance once in the past about two years.

05.07.2018 **(Amol Rattan Singh)**
vcgarg/D.K. **Judge**

Whether speaking/reasoned : Yes
Whether reportable : No