

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

**FAO No.2985 of 2018 (O&M)
Date of Decision : 30.08.2018**

Shri Ram General Insurance Company Limited **....Appellant**

VERSUS

Keshav Kumar and others **...Respondents**

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Rajbir Singh, Advocate for the appellant.

 Mr. Sagar Aggarwal, Advocate for respondent No.1.

 Ms. Nisha Malik, Advocate for respondent Nos.2 and 3.

B.S. WALIA, JUDGE (ORAL)

1. Appeal by the Insurance Company is against award dated 09.03.2018 passed by the learned Motor Accidents Claims Tribunal, Kaithal (hereinafter referred to as 'the Tribunal) granting compensation of ₹8,66,730/- to respondent No.1 alongwith interest @ 9% per annum from the date of filing of the claim petition till realisation.

2. At the motion stage, learned counsel for the appellant by referring to paragraph Nos.57 and 68 of the impugned award contended that although in Paragraph No.57, compensation of ₹78,000/- had been awarded on account of expenses incurred for attendant, special diet and other contingent charges as concomitant with the admission of a patient to a hospital yet in paragraph No.68, additional sum of ₹40,000/- had been awarded towards attendant charges and ₹20,000/- towards transportation charges. Learned counsel contends that the amount of ₹60,000/- awarded in the manner aforesaid towards attendant and

transportation charges are liable to be reduced from the total compensation payable on account of the same having been awarded twice.

3. Learned counsel for respondent No.1-claimant, on the other hand, has referred to paragraph No.65 and 67 to contend that sum of ₹40,000/- awarded towards attendant charges is including for the period post hospitalisation. Likewise, in the case of transportation charges.

4. I have heard learned counsel for the parties.

5. Respondent No.1-claimant has already been awarded ₹78,000/- on account of attendant charges, special diet and other contingent expenses for a period of 26 days of hospitalisation. In view of the fact that respondent No.1-claimant has already been awarded a substantial amount on account of attendant charges, special diet and contingent charges during the period of hospitalisation, amount of ₹40,000/- awarded on account of attendant charges during the period post hospitalisation, is reduced from ₹40,000/- to ₹20,000/-. Likewise the compensation of ₹20,000/- on account of transportation for the period post hospitalisation is reduced from ₹20,000/- to ₹10,000/-

6. The present appeal is allowed. Award dated 09.03.2018 passed by the learned MACT, Kaithal is modified to the extent as noted above.

August 30, 2018
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No