

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-5432-2019 (O&M)

Date of decision: 17.12.2019

Shri Ram General Insurance Company Ltd.

..... Appellant

Versus

Harish and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

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

Mr. Sanjiv Patiyal, Advocate for respondent No. 1.

Service of respondent No. 1 already
dispensed with vide order dated 31.10.2019.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant-Insurance Company has sought reduction of compensation to the tune of ₹5,47,743/- awarded to respondent No. 1-claimant-Harish, vide impugned Award dated 18.03.2019 of the Motor Accident Claims Tribunal, Karnal (for short-'the Tribunal').

Learned counsel for the appellant-Insurance Company *inter alia* contends that learned Tribunal has illegally taken into consideration the advance payments made by respondent No. 1-injured to the hospital from where he got treatment, which were reflected in the final bills and wrongly awarded a sum of ₹1,00,000/- in excess and the same is liable to be reduced from the medical expenses, inasmuch as, the medical bills have erroneously counted twice.

Learned counsel for respondent No. 1 fairly admitted the above contention of learned counsel for the appellant.

As per calculation furnished by learned counsel for the appellant-Insurance, which is taken on record Mark 'A', duly signed by him as well as learned counsel for respondent No. 1, the total amount of compensation payable to respondent-claimant is ₹4,47,743/- (₹5,47,743 - ₹1,00,000). Resultantly, respondent No. 1-claimant is held entitled to compensation for ₹4,47,743/-, instead of ₹5,47,743 /- as awarded by the Tribunal vide impugned Award.

Appellant-Insurance Company, shall deposit the aforesaid amount, if any, before the learned Tribunal along with up-to-date interest as directed by the Tribunal, from the date of filing of claim petition till realization less already deposited/paid, which shall be disbursed to respondent No. 1-claimant, in accordance with law against proper receipt and identification.

In case, total excess amount has already been paid to respondent No. 1-claimant, the same shall be refunded by him within one month from today along with proportionate interest equivalent to awarded by the Tribunal to him.

December 17, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No