

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

-.-

FAO 2674 of 2016 (O&M)

Date of decision: 16.10.2019

United India Insurance Company Limited

.....Appellant

Versus

Phuman Singh and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rajesh K Sharma, Advocate
for the appellant

Mr. Jagat Pal Singh Banwait, Advocate for
Mr. Sarju Puri, Advocate
for respondent No. 1

-.-

Rekha Mittal, J. (Oral)

CM 15328 CII of 2019

Heard.

Allowed as prayed for. Affidavit filed by claimant/respondent
No. 1 - Phuman Singh, in compliance with order dated 17.07.2019 passed
by this Court, is taken on record.

CM 9846 CII of 2016

Prayer in this application is for condoning delay of 11 days in
filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit and arguments advanced, the application is allowed and delay of

11 days in filing the appeal stands condoned.

Main case

Challenge in the present appeal has been directed against award dated 01.12.2015 passed by the Motor Accidents Claims Tribunal, SBS Nagar (in short, 'the Tribunal') whereby compensation has been assessed on account of injuries sustained by respondent No.1/claimant in a motor vehicular accident that took place on 21.02.2014.

Counsel for the appellant - insurance company would inform that appeal has been filed to assail only compensation qua medical expenses.

The Tribunal awarded Rs.12,15,040/- out of which a sum of Rs.5,00,040/- was paid towards reimbursement of medical expenses.

Counsel for the appellant would argue that in view of affidavit filed by claimant/respondent No. 1 that a sum of Rs.90,000/- has been sanctioned towards reimbursement of medical expenses out of claim submitted with his department, a sum of Rs.90,000/- may be deducted from Rs.5,00,040/-, allowed in favour of claimant towards reimbursement of medical expenses.

Counsel for respondent No. 1/claimant admits that Rs.90,000/- has been sanctioned but would state that only Rs.46,000/- has been paid. He would pray that either he may be allowed to press his claim for Rs.44,000/- with his department or he may forgo that claim in case the insurance company pays the same.

In this view of the matter, claimant shall be entitle to Rs.4,10,040/- towards medical expenses as his department has already

sanctioned Rs.90,000/- towards medical expenses. Resultantly,

compensation allowed in favour of claimant/respondent No. 1 is reduced to the extent of Rs.90,000/-.

In view of what has been discussed hereinbefore, the appeal is partly allowed in the aforesaid terms. However, the claimant would be at liberty to recover balance amount of Rs.44,000/- from his department.

(Rekha Mittal)
Judge

16.10.2019
Mohan Bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No