

218(A)

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

**FAO No.6715 of 2016 (O&M)
Date of Decision : 07.05.2019**

United India Insurance Company Ltd.

Appellant

Versus

Hardeh Goyal and others

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. D.P. Gupta, Advocate
for the appellant.

Mr. R.S. Budhwar, Advocate
for respondent No.1.

Mr. S.K. Bawa, Advocate
for respondents No.2 and 3.

AVNEESH JHINGAN, J (Oral)

The award dated 15.07.2016 passed by the Motor Accident Claims Tribunal, Chandigarh [for brevity 'the Tribunal'] has been assailed by the Insurer of Tractor bearing registration No. HR-02S-9384 [hereinafter referred to as 'offending vehicle'] being aggrieved of the quantum of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The factum of accident is not disputed by the parties. A motor vehicular accident took place on 29.04.2012.

The accident was result of rash and negligent driving of the offending vehicle. Hardesh Goyal suffered injuries in the said accident. The Tribunal after considering the facts and appreciating the evidence adduced held the insurer liable to pay the compensation.

In the claim proceedings, certain documents were produced and relied upon to show the medical expenses incurred and the type of treatment undergone. The Tribunal relied upon the said documents and awarded compensation of ₹3,65,042/-. The detail of compensation is tabulated as under:-

Sr. No.	Heads of claims	Amount awarded (in ₹)
1.	Medical Expenses	1,08,042/-
2.	Loss of income	1,07,000/-
3.	Loss of amenities	50,000/-
4.	Pain and suffering	50,000/-
5.	Special Diet	50,000/-
	Total	3,65,042/-

The medical expenses of ₹1,08,042/- were reimbursed to the claimant. In paragraph No.8 of the award, it was recorded that medical slips, medico legal report Ex.C3 to Ex.12 show that there were medical expenses of ₹1,08,042/-. From the perusal of the record, no figures of expenses is mentioned in Ex.C3 to C12. From further perusal, it is evident that bills i.e. Ex.C13 to C29 were produced, out of which, major bill was Ex.C28 amounting to ₹95,000/-. The said bill is for surgery of Cataract. There is nothing on record to show that this

treatment was with regard to injuries sustained in the accident.
The impugned award is set aside.

The matter with regard to quantum of compensation is remitted back to the Tribunal to decide afresh after re-considering the record produced before the Tribunal. The major bill of medical expenses itself is in doubt, hence the Tribunal will decide it relying upon the record available before it.

The parties are directed to appear before the Tribunal on 11.07.2019.

The appeal is disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

May 07, 2019

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |