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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Decided on: 20.11.2019

+ **MAC.APP. 888/2019 & CM APPL. 49958/2019**

HARENDER NEHRA

..... Appellant

Through: **Mr. Vinod Sharma, Advocate.**

versus

SHRI RAM GENERAL INSURANCE COMPANY LTD & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

CM APPL. 49959/2019 (for delay of 71 days)

1. This application seeks condonation of delay of 71 days in filing of the appeal.
2. For the reasons mentioned in the application, the delay is condoned.
3. The application stands disposed-off.

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4. The appellant impugns the award of compensation dated 28.05.2019 passed by the learned MACT in MACP No. 560/16 on the ground that the medical expenses incurred by the appellant should not have been deducted in computation of the Award.
5. The Court would note that the amount of Rs. 1,38,607/-, which was deducted, was only because the said monies had already been reimbursed as

medical cost by the employer of the injured/appellant. The balance amount, which was not reimbursed i.e. Rs. 26,409/-, was awarded to the appellant.

6. In effect, the amount of Rs. 1,65,016/-, which the appellant had expended towards medical care was duly reimbursed to him partly by his employer i.e. Rs. 1,38,607/- was paid by the employer and the remaining amount of Rs. 26,409/- was paid by way of the Award. The appellant is not out of pocket; he cannot possibly be awarded the same claim twice over.

7. This Court in its judgment dated 20.09.2019 in MAC APP No. 782/2018 has already dealt with the aforementioned issue, as under:

“ ...

2. The aforesaid first contention is sound and valid for the reason that the amount of Rs. 2,29,970/- expended towards medical expenses, and the reimbursement of which has been awarded by the impugned order, had already been reimbursed to the claimant under the mediclaim policy, therefore, payment of the same once again, would tantamount to awarding an excess amount to the claimant. Reimbursement cannot be made twice over. In the circumstances, Rs. 2,29,970/- shall be deducted from the total reimbursed amount of Rs. 3,63,244/-.”

8. In view of the above, there is no reason to interfere with the Award. The appeal is without merit and is, accordingly, dismissed.

NAJMI WAZIRI, J

NOVEMBER 20, 2019

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