

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-17467-CII-2022 in/&
FAO-5248-2022
Date of Decision :20.02.2023

New India Assurance Co. Ltd

...Appellant

Versus

Rohit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Suman Jain, Advocate and
Mr. Rishabh Jain, Advocate
for the appellant-Insurance company.

* * *

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the appellant-Insurance company argues that it has already come on record that the medical expenses borne by the victim were paid by the company, where the victim was working and the same were not borne by the claimants hence, reimbursement of the same as ordered by the tribunal should not have been allowed.

The only argument which is being raised by the learned counsel for the appellant-Insurance Company is not correct as nothing has come on record in regards to the fact that whether the amount paid by the company, where the victim was employed, was not to be reimbursed by the claimants. In the absence of the same, once it has come on record that a sum of Rs.12,35,408/- was paid on account of medical treatment, the claimants were entitled for the same as Insurance Company was liable to pay the said amount. It is between claimants and Company where the victim was

working as to whether the claimants are entitled to retain the said amount or

company where the victim was working was entitled to recover the same and appellant-Insurance Company cannot deny the said benefit to the claimants once Insurance company is liable to pay the said amount so claimed.

No other argument has been raised.

Keeping in view the above, no interference is called for by this Court and the appeal is accordingly dismissed.

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Application is also dismissed.

February 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No