

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(137)

FAO-349-2023 (O&M)

Date of Decision : January 23, 2023

National Insurance Company Limited

.. Appellant

Versus

Ved Parkash and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harsh Aggarwal, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

Present appeal has been filed by the Insurance Company challenging the computation of the compensation as assessed by the Motor Accident Claims Tribunal, Jhajjar in its order dated 27.09.2022 while assessing the claim of the claimants of Mr. Ved Parkash, who suffered injuries.

Learned counsel for the appellant argues that while assessing the compensation, the Tribunal has not taken into consideration the claim which the victim has already received from the Insurance Company qua the Medi-claim policy which the victim was having. Learned counsel for the appellant submits that the said amount received by the claimants is liable to be deducted from the compensation being assessed under the Motor Accident Claims Tribunal.

I have heard learned counsel for the appellant and have gone through the record with his able assistance.

The only question which is being raised is that whether any amount which the victim has received on account of his personal insurance which is with another Insurance Company, the same is liable to be deducted while assessing the claim of the claimants under the Motor Accident Claims Tribunal or not.

The said question has already been decided by the Coordinate Bench of this Court in ***FAO No.916 of 2021 titled as National Insurance Company Limited vs. Kartikaya @ Kartikaya Phogat and others, decided on 19.07.2022.*** The similar contention, as being raised in the present appeal, has been rejected on the ground that the amount received by the victim under the personal insurance, need not to be deducted while computing the compensation for which the victim is entitled under the Motor Accident Claims Tribunal.

Learned counsel for the appellant has not been able to dispute the said settled principle of law.

Hence, the grounds being raised in the present appeal, are contrary to the settled principle of law settled by the Coordinate Bench of this Court in ***Kartikaya @ Kartikaya Phogat's case (supra).***

No other point is raised.

Keeping in view the above, no ground is made out for any interference called by this Court.

Dismissed.

CM-1265-CII-2023

As the main appeal has been dismissed, present application also stands dismissed.

January 23, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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