



FAO-2205 of 2009

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

**FAO-2205-2009 (O&M)
Date of Decision: July 22, 2025**

New India Assurance Co. Ltd.

.....Appellant

Vs.

Raj Bala and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Paul S. Saini, Advocate and
Mr. Vipul Sharma, Advocate
for the appellant.

Mr. R.N. Lohan, Advocate
for respondent No. 1.

Mr. Rajeshwar Singh Thakur, Advocate
and for respondents No. 2 and 3.

SUDEEPTI SHARMA J.

1. The cases are listed before this Court for referral to the “Special Mediation Drive-Mediation ‘For the Nation’ List”.

2. Learned counsels for the parties contend that the matter cannot be referred to Mediation and Conciliation Centre of this Court, since, the Insurance Company has preferred the present appeal challenging the award on the ground that medical expenses is on the higher side. Therefore, with the consent of both the parties, the matter is taken up today itself for final disposal.

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3. The present appeal has been preferred by the appellant-Insurance Company against award dated 05.12.2008 passed by the learned Motor Accident Claims Tribunal, Jind (“the Tribunal”), in a petition filed by the

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claimant/respondent No. 1 under Section 166 of the Motor Vehicles Act, 1988, whereby she was granted the compensation to the tune of Rs.19,85,493/- and the Insurance Company was held liable to pay the compensation to the claimant.

4. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case are not required to be reproduced for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES

5. Learned counsel for the appellant-Insurance Company contends that the Tribunal erred in awarding a sum of ₹10,00,000/- towards medical expenses, despite the fact that the husband of the claimant, Randhir Singh (PW-19), failed to properly substantiate the said amount. He further argues that PW-19 admitted that approximately 70% of the medical expenses were reimbursed by the Government of Haryana, and as such, the learned Tribunal erred in awarding the full amount without deduction of the reimbursed portion. Therefore, he prays that the present appeal be allowed.

6. Per contra, learned counsel for the claimant-appellant submits that the compensation awarded by the Tribunal is on the lower side. He further contends that the amount awarded under the heads of medical expenses is on the lower side and deserves to be enhanced, as per settled law.

7. I have heard learned counsel for the parties and perused the whole record of this case.

8. A perusal of the impugned award reveals that the contention raised by the appellant-Insurance Company that the sum awarded towards medical expenses is excessive, is devoid of merit.

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9. A bare perusal of the record reflects that the claimant had suffered 100% permanent disability, as supported by the medical testimony of PW9, Dr. M.L. Kochar, and corroborated by the disability certificate (Ex. PW9/1). The claimant remained in coma for a substantial period and remained hospitalised for approximately six months. The claimant also continued to receive follow-up treatment. The nature of injuries, as stated, included multiple fractures (femur and humerus), cranioplasty (O.M.), tracheotomy, and contractures of multiple joints accompanied by myositis ossification, thereby rendering her permanently incapacitated.

10. It is further evident that medical expenses were substantiated through oral and documentary evidence, including the testimony of PW19 (husband of the injured) and various medical bills. Although certain bills may not meet the strictest evidentiary standards, the overarching fact remains that an extensive amount was expended towards emergency and continued medical treatment, including the establishment of an ICU facility at home, physiotherapy, procurement of medical equipment, and consultations with multiple specialists. The Tribunal had rightly taken a holistic view of the evidence on record and arrived at a reasonable approximation of medical costs and future medical expenses.

11. This Court is also conscious of the practical reality that in cases of such traumatic injuries, where the claimant suffers 100% permanent disability, it is not always feasible for the family members who are often in a state of psychological and financial distress to preserve every receipt or document. It would, therefore, be unjust and hyper-technical to disallow or reduce compensation merely on the ground of incomplete documentation, particularly when the material placed on record indicates substantial expenditure.

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12. Accordingly, this Court finds no justifiable reason to interfere with the findings of the learned Tribunal on medical expenses awarded to the claimant, which were based on a judicious evaluation of evidence. The award under this head is upheld.

13. Accordingly, no such infirmity exists in assessment of the amount awarded for medical expenses by the learned Tribunal, vide its award dated 05.12.2008 passed by the learned Motor Accident Claims Tribunal, Jind.

14. In view of the foregoing discussion, supported by settled proposition of law this Court finds no perversity or illegality in the findings recorded by the learned Tribunal. Accordingly, the same are hereby affirmed.

15. Accordingly, the appeal is dismissed being devoid of any merit.

16. Pending application (s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

July 22, 2025

Gaurav Arora

Whether speaking/non-speaking : Yes

Whether reportable : Yes