



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 576 of 2017

Laxman Singh

... Appellant.

Versus

Reliance General Insurance Company Limited
and Others

... Respondents.

Presence:-

Mr. Deep Prakash Bhatt, learned counsel with Ms. Meenakshi, learned counsel for the appellant.

Mr. Pulak Agarwal, learned counsel for the respondent no.1/Insurance Company.

Mr. Harsh Taneja, learned counsel holding brief of Mr. M.K. Ray, learned counsel for the respondent no.2.

Mr. Rajesh Joshi, learned counsel for the respondent no.4.

Hon'ble Siddhartha Sah, J. (Oral)

By means of the present Appeal, the claimant/appellant has assailed the judgment and award dated 12.06.2015, passed by the learned Motor Accident Claims Tribunal / Additional District Judge, Khatima, District Udham Singh Nagar in Motor Accident Claim Petition No. 187 of 2012, Laxman Singh vs. Reliance General Insurance Company Limited and others and has sought enhancement of the amount of the award.

2. Facts necessary for the adjudication of the present appeal are as follows:

In the Claim Petition, the claimant/appellant has averred that at 8:00 in the evening on 10.08.2010, when he was riding on a motorcycle along with one Mr. Lalit Mohan, then one truck bearing no. HR38H-6845, which was being driven



rashly and negligently, dashed against the motorcycle, in which the claimant/appellant sustained serious injuries, whereas Lalit Mohan died on the spot.

Report of the said accident was lodged at Thana Nanakmatta on 10.08.2010, on the basis of which FIR No. 79 of 2010 was registered, and after investigation, a charge-sheet was filed.

On the date of the accident, the claimant/appellant was a student of Class IXth and was a very bright student. After the accident, he suffered memory loss and is not able to carry out his daily routine works. He was treated in Sai Hospital, Haldwani, in which he had to spend around Rs.1.5 lakh, and thus, sought compensation of Rs. 3 lakh on account of the accident and injury as compensation.

The insurer, National Insurance Company Limited, contested the claim petition by filing its written statement and denied the claim averments. The driver, the respondent no. 2 also filed his written statement, denying the claim averments. Respondent nos. 4, owner and respondent no. 5 also filed their written statements, denying the claim averments.

The said claim petition was finally decided by the learned Motor Accident Claims Tribunal / Additional District Judge, Khatima, District Udham Singh Nagar, vide judgment and order dated 12.06.2015, whereby an amount of Rs. 96,107/ was awarded against the insurance company as compensation.



3. Assailing the aforesaid judgment and award dated 12.06.2015, learned counsel for the appellant would submit that the appellant had been hospitalized for 15 days, and after the accident, he suffered severe memory loss. Learned counsel for the appellant would also submit that though the learned Tribunal has granted compensation for the medical bills and the hospital bills, however, no amount has been granted towards CT scan and other medical bills.

4. Thus, learned counsel for the appellant would submit that the award of the learned Tribunal is on the lower side, and the appellant is entitled to compensation on account of expenses of CT scan and other medical bills. Learned counsel for the appellant has also submitted that no amount has been awarded towards attendant charges. Thus, the appellant deserves additional compensation under the aforesaid heads. Hence, the appeal be allowed, and the additional compensation may be granted to the claimant/appellant.

5. Per contra, learned counsel for the respondent Insurance Company would submit that in disposal of Issue No. 6, the learned Tribunal has, in fact, taken into account all the medical bills and after considering all the medical bills and hospital charges, an amount of Rs. 81,107/- has been granted towards medical bills and hospital charges.

6. Learned counsel for respondent no.1- Insurance Company would further submit that regarding the CT scan, there is nothing on record that its bill was brought on record to enable the appellant to seek compensation on account of the said head. He would further submit that whatever medical bills and hospital



charges were brought on record, the learned Tribunal has granted compensation against those medical bills and hospital charges. He would thus submit that since the claimant/appellant has not been able to prove bills for any other head, there is no question of granting any additional compensation for the CT scan, etc.

7. A perusal of the disposal of Issue No. 6 pertaining to compensation would show that the learned Tribunal has taken into consideration paper nos. 6Ga/12 to 6Ga/18, which are hospital bills; paper no. 6Ga/19, 6Ga/22 and 6Ga/27, which are the medicine bills of the claimant; and paper no. 6Ga/21, 6Ga/23, 6Ga/25, 6Ga/26, 6Ga/28, etc. and against paper nos. 6Ga/12, 6Ga/13, 1, 2, 6Ga/15, 6Ga/16, 1, 2, 6Ga/17, 1, 2, 6Ga/18, 6Ga/19, 1, 2, 6Ga/20, 6Ga/22, and 6Ga/27, 1, 2, the learned Tribunal granted a total compensation of Rs. 81,107/-.

8. In addition to that, Rs. 5,000/- has been granted towards loss of income during the hospital stay, and Rs. 5,000/- towards loss of earning and suffering, bringing the total compensation to Rs. 96,107/-.

9. The compensation as granted while disposing of Issue No. 6 is based on record. Learned counsel for the appellant has not been able to bring any document to the notice of the Court regarding any other medical bill for which compensation has not been granted to the claimant/appellant.

10. In such view of the matter, since the learned Tribunal has granted compensation towards the medical bills, hospital expenses, etc., this Court does not find any infirmity in the impugned judgment and award. Therefore, the appeal deserves to be dismissed, and is



accordingly dismissed.

11. The original record be transmitted to the Tribunal concerned.

12. Pending application, if any, stands disposed of accordingly.

(Siddhartha Sah, J.)

18.09.2026

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