

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

FAO No. 5377 of 2004 (O&M)

Date of decision: 11.08.2015

Lekh Raj

... Petitioner

versus

Kuldeep Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Divya Godara, Advocate for the appellant.

Mr. Rohit Kapoor, Advocate for respondent No.2.

Mr. Paul S. Saini, Advocate for respondent No.3.

K.Kannan, J.

The appeal is for enhancement of compensation for loss of a tractor in a motor accident. The tractor was of 1995 model and the claimant-owner contended that he had purchased it for Rs. 82,500/- in the year 2001. The Court held that if depreciation of 12% to 13 % shall be applied per year, the depreciated value will be Rs.40,000/-. The evidence given by the claimant through a motor mechanic was that the vehicle could be worth the price at which he had purchased and the accident had taken place soon after the purchase.

If the depreciated value has to be worked out for 6 years @ 12% in the manner referred to by the Tribunal Judge, the value would have been Rs.59,660/- and not Rs. 40,000/-. It was an obvious mathematical error which the Tribunal had made. If the salvage value of the vehicle was Rs.10,000/- as referred to by the Tribunal, the amount ought to have been Rs.59,660/- which I round of to Rs.60,000/- . The Court has assessed the amount payable @ Rs.30,000/- which I

increase up to Rs.60,000/-. The liability for the insurance company stands restricted to Rs. 6,000/- with interest and the amount over the said sum of what is borne by the insurer shall be recoverable against the owner of the vehicle insured.

Counsel appearing for respondent No.2 would argue that the interest granted for all the period will be unjust because he was not responsible for the pendency and only the appellant was asking for adjournment from time to time. I cannot find any particular circumstance to deny the interest from what I found the claimant to be entitled to. The Court delays are not at all times brought only in the instance of the parties asking for time, the Court is even otherwise inundated with briefs that it cannot do what it may desire to do. Pendency is a game and all of us will suffer by such discreet as the legal system brings. I cannot identify the appellant as fully responsible for this delay to deny the interest for the claim which I have assessed. All that I can do is that the subsequent interest to be paid must be reasonable. I award 6% interest for the enhanced amount from the date of the appeal till the date of payment.

The award stands modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

11.08.2015

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