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

FAO No.6184 of 2012 (O&M)
Date of Decision:18.02.2015

Vikas Singla

….Appellant

Versus

Haraf Charitable Trust and others

….Respondents

**CORAM: HON'BLE MS. JUSTICE NAVITA SINGH**

Present: Mr. Rajbir Singh, Advocate for the appellant.

Mr. Manik Garg, Advocate for
Mr. Aminder Singh, Advocate for respondents No.1 to 3.

Mr. V. Ramswaroop, Advocate for
Mr. G.D. Gupta, Advocate for respondent No.4-
National Insurance Company Ltd.

**NAVITA SINGH, J.**

1. The appeal is filed against the award dated 19.7.2012 passed by Motor Accident Claims Tribunal, Sangrur (Tribunal for short) for enhancement of compensation granted by the Tribunal towards damage of Ford Fiesta Car No.PB-28C-0068, which was damaged in a motor vehicle accident which took place on 26.12.2010.

2. Counsel for the appellant argued that the Tribunal gravely erred in awarding a meager compensation of Rs.52,000/- as it was wrongly held that as per the insurance policy, an amount of Rs.2,98,000/- was the total amount of insurance. The amount was actually Rs.3,54,000/- as per the copy of insurance policy produced as Ex.C4 before the Tribunal. Out of the amount of the policy, an amount of Rs.1,00,000/- was paid by the Insurance Company and salvage to the tune of Rs.1,50,000/- was also paid. The appellant, therefore, got an amount of Rs.2,50,000/- and the loss still remained to the tune of Rs.1,04,000/-.

3. It was further contended that since the loss incurred by the appellant according to the amount given in the insurance policy was Rs.1,04,000/- excluding the amount received by the appellant, the appellant was not fully compensated and was rather given half of that amount by the Tribunal. An amount of Rs.52,000/- was payable as the vehicle had gone into the total loss.

4. A perusal of the insurance policy Ex.C4 shows that the value of the vehicle for the purpose of insurance was Rs.3,54,000/- i.e. the insured declared value.

5. No counter argument came from the other side as there could be no denial to the facts pointed out by counsel for the appellant. IDV was given in the policy and admittedly an amount of Rs.2,50,000/- was received by the appellant earlier. An amount of Rs.52,000/- was awarded by the Tribunal, and under some misconception or due to oversight, the IDV of the vehicle was mentioned as Rs.2,98,000/-.

6. The appeal is, therefore, allowed and further an amount of Rs.52,000/- is awarded to the appellant with interest at the rate of 6% per annum.

**(NAVITA SINGH)**
**JUDGE**

18.02.2015
Ishwar

**Whether to be referred to reporter: No**