

FAO-2405-2014

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

FAO-2405-2014

Date of decision: 15.9.2015

Lakhbir Singh

...Appellant

Versus

Amarjit Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.JS Cooner, Advocate for the appellant

Mr.Lalit Garg, Advocate for respondent No. 3

SNEH PRASHAR, J.

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Fatehgarh Sahib (for short 'the Tribunal'), vide award dated 13.11.2013, on account of damage of the vehicle.

The submissions made by learned counsel for the parties have been heard and record perused.

It is submitted on behalf of the appellant that learned Tribunal without considering the damage/ loss report Ex.CW2/A, wherein the estimated damage was as Rs.93695/-, has awarded a meager amount of Rs.50,000/- as compensation. He prayed for

enhancement of the same.

On the other hand, learned counsel appearing for respondent No.3 submitted that just and adequate compensation has been awarded and therefore, the present appeal may be dismissed.

The factum of accident and damage to the vehicle owned by the appellant during the accident is not a matter in dispute. However, the issue for consideration is the assessment of damage sustained by the vehicle of the appellant. Neither any mechanic, who examined the vehicle immediately after the accident to assess the extent of damage sustained by the vehicle was examined nor any such report was tendered in evidence by the appellant-claimant. Surveyor Ravinder Kumar Mishra was examined as CW2, who proved the photographs Ex.P1 to P-7 and also his assessment report Ex.CW2/A. The report of the Surveyor Ex.CW2/A in the absence of mechanical report stating details of the damage sustained during accident is of no value especially when the vehicle was more than 15 years old. The Surveyor had assessed the damage of full value without assessing the depreciation value of the vehicle as per its life span. Thus, the award passed by learned Tribunal allowing Rs.50,000/- as compensation to the appellant on account of damage to his vehicle during the accident calls for no intervention.

Resultantly, the present appeal being devoid of merit is dismissed.

15.9.2015
gsv

(SNEH PRASHAR)
JUDGE