

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

**FAO NO. 4755 OF 2013 (O&M)
DECIDED ON : 17.03.2015**

Samrat Narula

...Appellant

versus

Harish Saini and others

...Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Vijay Sangwan, Advocate,
for the appellant.

Mr. Aditya Yadav, Advocate,
for respondent No.1.

Mr. M. B. Jain, Advocate,
for respondent No.2.

K. C. PURI, J. (ORAL)

CM NO. 20038-CII OF 2013

There is delay of 42 days in filing the appeal. The same stands condoned for the reasons mentioned in the application.

MAIN CASE

Challenge in this appeal is to the Award dated 12.03.2013 passed by Shri Narender Kumar, Motor Accident Claims Tribunal, Narnaul, vide which claim petition preferred by the claimant/appellant was partly accepted and a sum of

₹1,04,000/- was allowed on account of damage caused to his Village Resort Hotel in a motor vehicular accident.

Since this is the appeal for enhancement of compensation, so the other facts need not to be narrated.

The Tribunal, after adjudication, returned the findings of negligence against the driver of Hyundai Verna bearing registration No. HR-35-G-7295 and the owner and driver along with Insurance Company were held liable to pay the compensation to the extent of ₹1,04,000/- in respect of damage caused to the hotel of the claimant.

Learned counsel for the appellant has submitted that bills Exhibit P-24 to P-26 amounting to ₹50,170/- have been produced on file. He has further submitted that a sum of ₹1,04,000/- awarded on account of damage caused to the hotel of claimant is on lower side. It is further submitted that estimate of ₹1,29,584/- regarding damage to the hotel, has been proved on file and that much amount should have been awarded by the Tribunal.

I have carefully considered the said submission but do not find any force in the same.

Mere producing estimate is not sufficient to claim damage in respect of damage to the building. The claimant is required to prove actual expenses incurred on repair of the damaged portion. The learned Tribunal has rightly held that the claimant has been able to prove ₹63,000/- in respect of labour

charges and ₹40,710/- towards material charges and in this manner, the actual amount spent by the claimant on the repair of damage comes to ₹1,03,710/- and accordingly, ₹1,04,000/- has been granted to the claimant. So, on re-appreciation of the evidence, no fault lies with the judgment passed by the Tribunal

So far as the claim in respect of damage to the plants and trees is concerned, the Tribunal has given a definite finding that there is no evidence led by the claimant to show that he has spent any amount on plants and trees etc.

Learned counsel for the appellant could not point out as to how those findings are wrong and has not referred to any evidence to substantiate the claim of appellant in respect of damage to the plants and trees. The bald statement made by the claimant in this regard is not sufficient.

In view of the above discussion, no case for enhancement in compensation is made out.

Consequently, the appeal is without any merit and the same stands dismissed.

MARCH 17, 2015
shalini

(K. C. PURI)
JUDGE