

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

F.A.O No. 7855 of 2015

Date of decision:- 26.11.2015

New India Assurance Co. Ltd.

...Appellant

Versus

Gurdev Singh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.K. Bishamboo, Advocate
for the appellant

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J.

C.M. No. 24725-CII of 2015

For the reasons mentioned in the application, delay of 05 days in re-filing of the present appeal is hereby condoned.

The applications stand disposed of accordingly.

F.A.O No. 7855 of 2015

This appeal is by the insurance company disputing the liability foisted upon it by the Motor Accident Claims Tribunal, S.A.S Nagar (for brevity, 'Tribunal'), vide its order dated 06.07.2015.

On 18.03.2013, relatives of claimant namely Gursheer Singh, Jagdev Singh and Jasmel Singh had been going in car owned by claimant from village Channu Wala to Moga via Charik for getting medical treatment of Jagdev Singh. When the car crossed Charik

chowk, then from side of Ludhiana bye-pass, respondent No. 1 had come in truck bearing NO PB03-AA-8887 came at a very high speed and in a rash and negligent manner, struck against the car by taking it on wrong side. All the occupants of the car received minor injuries but the car was badly damaged as car had broke poles, wires and meter lying in front of shop of Varinder Kumar and thereafter, entered into the shop of Varinder Kumar. F.I.R No. 35 dated 18.03.2013 was registered at P.S City South, Moga against respondent No. 1.

The learned Tribunal gave the compensation to the claimant to the tune of Rs.1,62,500/- by relying upon the deposition of P.W.3, Dharminder Singh, Service Advisor in Modern Motors Moga, authorized dealer, who stated that if such a vehicle in good condition is sold, it could fetch an amount of Rs.3.25 lacs approximately as on the day of occurrence.

Learned counsel for the appellant contends that the learned Tribunal had wrongly awarded the amount of Rs.1,62,500/- to the claimant on the ground that the Tribunal had not assessed the cost of the damages to the vehicle. No assessment of loss was produced. There is nothing on record to suggest that the vehicle was in good condition. The claimant further sold his vehicle to a scrap dealer for a sum of Rs.16,000/- by getting it released on suprdari without taking prior permission of the Court.

This argument of the learned Tribunal has rightly been rejected by the learned Tribunal by relying upon the deposition of P.W.3, Dharminder Singh, Service Advisor in Modern Motors Moga, authorized dealer, who stated that if such a vehicle in good condition is sold, it could fetch an amount of Rs.3.25 lacs approximately as on the day of occurrence. Once the Service Advisor of the Modern Motors Moga, had given its statement, thereafter on the ground that the claimant has not taken prior permission from the Court before selling its damage car to a scrap dealer for an amount of Rs.16,000/-, the claim petition cannot be dismissed.

In view of the above, the appeal is dismissed being devoid of any merit.

26.11.2015

G Arora

(***RITU BAHRI***)
JUDGE