

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

FAO-131-2002 (O&M)
Date of decision: 25.01.2016

Lashkar Singh
(deceased through his LRs,
Karnail Singh, Malkiat Singh and Jarnail Singh)

...Appellant

Versus

Darshan Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Bansal, Advocate for the appellants.

Mr. Ram Kumar Chauhan, Advocate
for respondent No.1

Mr. Nitin Grover, Advocate
for respondent No.4.

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JITENDRA CHAUHAN, J.

CM No.1096-CII of 2016

Heard.

Lashkar Singh, the appellant has since expired on
15.11.2008 during the pendency of this appeal leaving behind three
sons, namely Karnail Singh, Malkiat Singh and Jarnail Singh.

For the reasons contained in the application, the
application is allowed, subject to all just exceptions.

Above legal representatives of the deceased-appellant are impleaded for the purpose of pursuing this writ petition.

Amended memo of party is taken on record.

Main Case

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 08.08.2000, passed by the learned Motor Accident Claims Tribunal, Hoshiarpur (for short, 'the Tribunal').

The learned counsel for the appellants contends that Maruti car of the father of the appellants, was completely damaged in the accident and value of the vehicle was assessed at Rs.70,000/- whereas salvage was assessed at Rs.25,000/-, therefore, the learned tribunal has wrongly awarded Rs.45000/- for the said purpose.

On the other hand, the learned counsel for the respondents have vehemently opposed the appeal and states that the learned tribunal has rightly awarded the compensation for the damaged car, which is of 1986 model.

I have heard the learned counsel for the parties and perused the record.

The learned counsel for the appellant has failed to refer any document to suggest that the value of the vehicle was more than the value assessed i.e. Rs.70,000/-, by the surveyor. In the absence of any positive report and documentary evidence, with

regard to value of the vehicle and the fact that the payment assessed, as per surveyor, has already been paid, this Court feels that there is no scope for any interference in the judgment passed by the learned tribunal.

Accordingly, this appeal is dismissed.

25.01.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**