

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

**FAO No.378 of 2012 (O&M)  
Date of Decision: February 08, 2016**

Satnam Singh

**.....APPELLANT.**

**VERSUS**

Satwinder Singh and others

**.....RESPONDENTS.**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Rajesh Sethi, Advocate and  
Mr. Sachin Gupta, Advocate  
for the appellant.

Mr. R.N. Singal, Advocate  
for respondent No.3.

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**SURINDER GUPTA, J.**

Heard.

Learned counsel for the appellant submits that appellant filed the claim petition claiming compensation for damage to his vehicle bearing registration No.PB10-AN-3572 in a motor vehicle accident with delivery van bearing registration No.PB10-BN-7338 (later referred as 'offending vehicle'). The Motor Accident Claims Tribunal, Sirsa, recorded the finding that accident had taken place due to the rash and negligent driving of the offending vehicle by its driver, however, while allowing the compensation for damage to the vehicle of the claimant, it was observed that under Section 147 of Motor Vehicles Act, “maximum limit of damage of vehicle is ₹6000/-,

which can be given by the Motor Accident Claims Tribunal, on the score of repair of vehicle which met with accident.”

Learned counsel for the appellant has argued that as per insurance policy Ex.R2, which was a package policy, the liability of the Insurance Company in respect of any one claim arising out of one event is upto ₹7,50,000/-.

Learned counsel representing the Insurance Company does not dispute this fact.

In view of the above, the findings recorded by the Tribunal are not sustainable and are set aside.

The Tribunal has not discussed the evidence on record regarding the quantum of damage to the vehicle of the claimant. A perusal of the record of the Tribunal shows that evidence was recorded in connected claim petition titled as '*Raj Kumar and others vs. Satwinder Singh and others*', MACT case no.52 of 2010, which was also decided by common award with the claim filed by the claimant.

Both the learned counsel submit that the Tribunal is required to appreciate the evidence relating to damage to the vehicle and also to assess the quantum of compensation based on record, as such, the case be remanded to the Motor Accident Claims Tribunal, Sirsa.

In claim petition, filed by appellant, he has sought compensation for the damage to his vehicle in accident with offending vehicle. To assess quantum of compensation, the evidence produced in connected case require reference. Accepting the submission made by learned counsel for the

parties, the matter is remanded for fresh decision by Motor Accident Claims

Tribunal, Sirsa.

File be sent to District and Sessions Judge, Sirsa, who will entrust the case to the court of competent jurisdiction. Parties are directed to appear before the District Judge, Sirsa on 14.03.2016.

**February 08, 2016**  
*deepak/jv*

**( SURINDER GUPTA )**  
**JUDGE**