

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 4525 of 2012

Date of Decision: 02.11.2017

Narinder Singh

.....Appellant

Versus

Om Parkash and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Madan Lal Saini, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

This is the claimant's appeal seeking enhancement in the award dated 6.2.2012 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib with respect to the claim for damages to the motor cycle.

The claimant was the owner of a motor cycle which met with an accident on 5.9.2009. The motor cycle was insured.

It was the case of the claimant that he had purchased the motor cycle for a sum of Rs. 50,000/- and it was a case of total damage. During the proceedings, it was found that the claimant had raised a claim of Rs. 46,000/- from his own company. The claimant filed a claim petition against the offending vehicle seeking damages to the extent of Rs. 46,000-. In this regard a mechanic was examined who admitted that he had not taken any photograph nor had given his report nor had appended the bill along with the mechanical report. The claimant had admitted that he had received

a sum of Rs. 18,013/- from his insurance company towards reimbursement

of damages to his motor cycle. He had made a statement that he had purchased the motor cycle for 19,661/-. The Tribunal found that a sum of Rs. 18,013/- had been credited to his account on 14.6.2010. A small deduction was made towards depreciation and the reason for that was that the motor cycle was new and had been purchased the same year. The Tribunal allowed the difference in the amount i.e. Rs. 1648/- and another sum of Rs. 5,000/- for the inconvenience. The claim of Rs. 6648/- was awarded.

I have heard both the sides. At the outset it can be said that the appeal deserves to be dismissed.

The claimant had been compensated by his own insurance company. He could not claim the amount twice. The Tribunal had allowed the difference in the amount that was Rs. 1648/- and additionally a sum of Rs. 5,000/- for the inconvenience. There is no scope for any enhancement.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

November 02, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No