

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 752 of 2017(O&M)

Date of decision December 13, 2017

Smt. Soni and another

..... Appellants

Versus

Saddam Hussain and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vipul Sharma, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J (ORAL)

The present appeal has been filed against the award dated 25.7.2016 passed by the Motor Accident Claims Tribunal, Ambala (for short 'The Tribunal' in MACT Case No. 77 (18) of 2016.

This appeal raises an issue of enhancement of compensation for damage to the car.

It was an unfortunate New year day of 2016 for the family when Satish Kumar along with four other persons was travelling in a car bearing registration No. HR-08-R-9738. Satish Kumar and Munish Kumar died in a motor vehicular accident whereas Jasbir Singh and Devi Chand suffered injuries. Satish Kumar was owner of the Car. The said car was hit by a rashly and negligently driven truck bearing registration No. MP-33H-1703 (for short the 'offending vehicle'). The car was damaged in the said accident. FIR No. 1 dated 1.1.2016 was registered at Police Sation

I.A. Saha District Panchkula.

The claim petition under Section 166 of The Motor Vehicles Act, 1988 (for short 'The Act') was filed and the Tribunal awarded Rs.2,25,000/- along with interest @ 7.5% per annum.

I have heard learned counsel for the parties and perused the paper book.

Learned counsel for the appellants has argued that the car was worth Rs. 4.5 lacs in the year 2015 and the expenses for repair of the car were estimated at Rs.7,09,271/- but the Tribunal awarded Rs. 2,25,000/- on mere guess, which is on the lower side.

Learned counsel for the Insurance Company has argued that the repair of the car was more than its worth. There was no question of getting the same repaired and the appellant should not have been compensated to that extent.

Keeping in view the facts and circumstances of the case, it is deemed appropriate that another amount of Rs.30,000/- is awarded over and above the amount awarded by the Tribunal.

It is clarified that while enhancing the amount by Rs.30,000/-, the interest to be awarded under Section 171 of the Act has been taken into consideration.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

December 13, 2017
archana

Whether speaking/reasoned
Whether Reportable

Yes
No