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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 21st July, 2017

+ **MAC APPEAL No. 55/2009**

JAI PRAKASH SAINI Appellant
Through: **Mr. Manish Vats, Adv.**

versus

RAJESH KUMAR & ORS. Respondents
Through: **Mr. Manoj R. Sinha, Adv. for
NIC.**

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The property of the appellant was damaged on account of accident wherein the vehicle insured by the third respondent dashed into it on 04.01.2005. He filed accident claim case (suit no. 204/2008) seeking compensation in the sum of Rs. 4,35,200/- on the ground that the house was totally damaged and had to be razed and re-constructed.

2. The tribunal put the claim to inquiry and, by judgment dated 02.09.2008, awarded compensation in the sum of Rs. 1,16,000/- with interest calling upon the insurance company to pay. The said award was computed as under:-

Debris Removal	:Rs. 10,000/-
Cost of Construction	:Rs. 81,000/-

Rental Charges : Rs. 10,000/-
Mental Agony and Sufferings : Rs. 15,000/-
Total amount of compensation : Rs.1,16,000/-

3. The appeal is pressed seeking enhancement on the ground the damages awarded under the heads of debris removal and cost of re-construction are inadequate.

4. The learned counsel during the hearing conceded that no formal evidence about the cost incurred for debris removal was adduced. With reference to the claim in the sum of Rs.2,11,200/- as the cost of re-construction, reliance is placed on document described as inspection report dated 12.1.2005 (Ex.PW-2/A), the assessment made by Mr. Virender Saini (PW-2). The said assessment seems to be based on data which is not shared. The tribunal, on the other hand, went by the report of the surveyor engaged by the insurance company. The said calculations are based on scientific criteria and, therefore, have been correctly adopted.

5. The appeal is devoid of substance and is dismissed.

R.K.GAUBA, J.

JULY 21, 2017

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