

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.1084 of 2003

Date of Decision.18.05.2018

Richhpal Singh

...Appellant

Vs

Sukhdev Singh alias Kanda and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: None for the appellant.

Mr. Suvir Dewan, Advocate
for the insurance company.

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AMIT RAWAL J.(ORAL)

The present appeal has been preferred against the award of damages to the tune of Rs.25,000/- for damage occurred to the maruti car bearing registration No.HR-26A-9666 in the roadside accident with a truck bearing No.PB-13E-6100.

There is no representation for the appellant. The appeal is of the year 2003, therefore, I proceeded to decide the appeal.

The contention of the appellant in the memorandum of appeal is that the Tribunal while awarding the compensation did not appreciate the fact that the appellant spent a sum of about ₹1 lac on the repair of damaged car got done from M/s Param Car Point. The Tribunal erred in relying the upon report of mechanic despite the fact that the insurance company did not appoint any surveyor to assess the loss, thus, the amount awarded towards damages is required to be enhanced.

On the other hand, Mr. Suvir Dewan, learned counsel appearing on behalf of the insurance company submitted that in the

absence of any cogent evidence and keeping in view the report of the mechanic assessing the loss to the tune of ₹25,000/-, the Tribunal has rightly assessed the damages, thus, there is no scope for enhancement.

I have heard learned counsel for the respondent-insurance company, appraised the paper book and of the view that there is no merit in the appeal, for, no official/worker from the said workshop was examined to prove the factum of expenses incurred on the repair of the car, much less, the report of the mechanic has gone un rebutted. In the absence of any cogent and direct evidence, the assessment of damages to the tune of ₹25,000/- is correct appreciation.

In view of the aforementioned, I do not find any reason to differ with the finding rendered by the Tribunal. The same is upheld and the appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 18, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No