

222.

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

FAO-16-2004 (O&M)

Date of decision:20.03.2018.

KAILASH CHAND GARG

... Appellant

Versus

RAVINDER AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ravindra Jain, Advocate,
for the appellant.

Ms. Amandeep Kaur, Advocate, and
Mr. R.N. Singal, Advocate,
for respondent No.3.

HARI PAL VERMA, J.(Oral)

CM-18519-CII-2016

Prayer in the present application filed under Section 151 CPC is
for early hearing of the appeal.

For the reasons stated in the application, same is allowed and
the appeal, which was otherwise admitted on 01.03.2004, is taken on board
today itself.

FAO-16-2004

Appellant-claimant has filed the present appeal seeking
enhancement of compensation over and above the compensation so awarded
by the Motor Accident Claims Tribunal, Jagadhri (for short, "the Tribunal")
vide award dated 11.09.2003.

The claimant, who is an Advocate by profession, filed a claim petition under Section 166 of the Motor Vehicles Act, that he was owner of a car bearing registration No.DL-2CH-1169, make Esteem VX and the said vehicle met with an accident on 04.11.2000. He has claimed compensation to the tune of ₹73,000/- on account of damage caused to his car as well as for making alternative arrangements for going to court during the period when the car remained under repair. In the said accident, rear portion of the car was damaged. He spent ₹20,000/- on repair of the car. The car remained under repair for about one month. Due to the accident, the value of the car has also decreased.

Respondents No.1 and 2 i.e. driver and owner of Tata-407 bearing registration No.HR-37-3396 with whom the appellant's car met with an accident though admitted the accident, but they have pleaded that it was the claimant, who was at fault for causing the accident, as he (claimant) had applied brakes suddenly without giving any indication while turning his car towards the gate of the courts complex.

The Tribunal not influenced with the reply, so filed by the owner/driver, awarded an amount of ₹18,555 on account of repair, whereas an amount of ₹15,000/- was granted as compensation on account of making alternative arrangements by the claimant.

Not satisfied with the aforesaid amount of compensation, the claimant has filed the present appeal seeking enhancement of compensation.

Learned counsel for the appellant has argued that the claimant is an Advocate by profession and since the vehicle which met with an accident remained in the workshop for a considerable period of about one month, the

that he could attend the court regularly, for which he had to hire taxis. Moreover, due to the accident, the value of the car has also been decreased.

On the other hand, learned counsel for respondent No.3- Insurance Company has argued that the Tribunal has already awarded adequate compensation and despite the fact that the claimant had not been able to prove that he had spent ₹15,000/- on the alternative arrangements, the Tribunal has awarded ₹15,000/- towards such arrangements if any.

I have heard learned counsel for the parties.

So far as the amount spent on repair of the car is concerned, there is no dispute about the same as the same has been duly reimbursed. However, as regards the plea that the claimant had spent ₹53,000/- in making alternative arrangements, this Court finds that in the absence of any evidence that he spent ₹53,000/-, the Tribunal has rightly granted ₹15,000/- as lumpsum compensation and there is no scope for further enhancement of compensation.

Dismissed.

(HARI PAL VERMA)
JUDGE

20.03.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No