

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

571

FAO-256-2007 (O&M)

Date of Decision : 27.09.2018

Smt. Saroj

..... Appellant

Versus

Amrik Singh and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. C.B. Goel, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for Mr. R.C. Kapoor, Advocate
for the respondent No.4.

Service upon other respondents was exempted.

AJAY TEWARI, J. (ORAL)

This appeal has been filed for enhancement of compensation and for modifying the award dated 04.10.2006 passed by the Tribunal awarding compensation of Rs.10,000/- alongwith interest @ 7.5% p.a. on account of damage of the car in a motor accident.

Since very limited issue has been raised detailed reference to the facts is not required.

Counsel for the appellant has argued that the Tribunal erred in taking a highly pedantic view by completely rejecting the original bill which was placed on record only on the ground that the proprietor was not

examined which is a highly onerous responsibility to get the owner of the workshop of Delhi to appear.

Counsel for the respondent No.4 however points out that one of the reasons which weighed with the Tribunal to take this view was that the bill did not even show that the person was authorized agent of Maruti.

Be that as it may, the Tribunal in para No.21 has given the damage which was caused to the car and in my considered opinion, the damage which was awarded for the denting, painting of the dicky and the replacement of the lights and the bumper cannot be only Rs.10,000/- and it would be in the interest of justice of an amount of Rs.10,000/- more is awarded to the appellant.

Ordered accordingly. Consequently, it is held that the total compensation amount would carry interest @ 12% p.a. from the date of filing of the claim petition till the date of realization.

Appeal stands disposed of and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

September 27, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No