

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

FAO No.559 of 2013 (O&M)

Date of decision: 10.05.2018

Surinder Kumar @ Surinder Paul

.... Appellant

Versus

United India Insurance Company and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. H.S.Jalal, Advocate
for the appellant.

Mr. R.N.Singal, Advocate
for respondent No.1.

Avneesh Jhingan, J.

The present appeal has been filed against award dated 07.04.2012 passed by Motor Accidents Claims Tribunal, Bathinda (hereinafter referred to as 'the Tribunal').

A motor vehiculat accident took place on 18.06.2004. In the said accident, a car bearing registration No.PB-03-L-4445 was damaged. The other vehicle involved in the accident was Qualis bearing registration No.HR-37-T-0898. FIR No.366 dated 18.06.2004 was registered at Police Station Sadar Patiala.

A claim petition for claiming compensation for the damage to the vehicle was filed on 08.01.2009.

The Tribunal, after considering the facts of the case and evidence, awarded compensation for a sum of Rs.75,000/- along with interest @ 6% per annum.

The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant relies upon the inspection reports of the surveyer.

Neither before the Tribunal nor in appeal, any evidence was adduced that what was the actual expenses incurred by the appellant for repair of the car. It was claimed that car was totally damaged. The information was withheld that whether this car was insured and any compensation was taken from the Insurance Company or not? Not only this though, there is no limit for filing the claim petition, yet the present claim petition was filed almost 4½ years of the date of the accident. The inspection reports relied upon are of the year 2010 i.e. more than 5½ years from the date of accident. In the absence of any substantial material to show that the award passed by the Tribunal needs interference or there is scope for enhancement of compensation, the appeal is dismissed.

(AVNEESH JHINGAN)
JUDGE

10.05.2018
anju

1. Whether the order is speaking/reasoned:	Yes/No
2. Whether the order is reportable :	Yes/No