

In the High Court for the States of Punjab and Haryana
at Chandigarh

FAO No.3868 of 2016 (O&M)

Date of Decision:- 15.05.2018

General Manager PEPSU Road Transport Corporation and another

.....Appellants

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Anupam Singla, Advocate, for the appellants.

Mr. Brijeshwar Singh Kanwar, Advocate for respondent No.1.

GURVINDER SINGH GILL, J.

1. This appeal has been filed by Pepsu Road Transport Corporation, Faridkot (for short, 'PRTC') challenging award dated 21.12.2015 passed by Motor Accident Claims Tribunal, Faridkot whereby respondent No.1/claimant has been awarded compensation to the tune of ₹13,81,200/- on account of damage to a truck belonging to respondent No.1-Union of India.
2. Claimant-Union of India had filed a claim petition seeking compensation to the tune of ₹13,81,200/-, on account of damage sustained to a 2.5 Ton TATA truck belonging to the Army bearing number BA No.06C078476-E, in a vehicular accident which took place on 6.3.2015.
3. The claim petition was resisted by the appellants-respondents. The learned

Tribunal upon appreciating evidence led by both the parties, came to the conclusion that the accident in question had occurred due to rash and negligent driving on part of driver of the bus in question and consequently awarded compensation to the tune of ₹13,81,200/-, to be paid to the claimant by the respondents arrayed in the claim petition.

4. Learned counsel for the appellants, while assailing the impugned award has submitted that the learned Tribunal fell in error in relying solely upon an estimate regarding damage, prepared by the claimant and that no independent evidence in this regard was led by the claimant.
5. The learned counsel for the respondent has however opposed the appeal by stating therein that the Army authorities have a full fledged wing regarding maintenance of vehicles, fully competent to repair and prepare estimate with regard to damage to the vehicles and that the estimate, as prepared by the Army authorities cannot be doubted on any count.
6. I have heard learned counsel for the parties and have also perused the impugned award in question.
7. No doubt, I find that apart from the estimate regarding damage prepared by the Army authorities, which has been proved by PW-2 Vipul Rawat, Lieutenant Colonel, no other evidence has been led by the claimants but as already stated above, the Army maintains in-house workshops to maintain its vehicles and as such is fully competent to prepare an estimate for repair of any such damaged vehicle. PW-2 Mr. Vipul Rawat, Lieutenant Colonel has specifically deposed that loss of the vehicle was assessed to be ₹13,81,200/- and has proved the Damage Assessment Report as Ex.PW-2/B. He has specifically deposed that

before the accident, the vehicle in question was classified as Class-II and cost of the vehicle before the accident was ₹17,26,550/- and after the accident in question, the value of the damaged vehicle, which was in the shape of scrap was merely ₹3,45,300/-. Learned counsel for the respondent has explained that in fact the value of a new truck in question, at the time of accident would be much more than ₹17,00,000/- and the vehicles in question are classified as Class I/II etc. on the basis of the mileage and age of the vehicles. He has further submitted that as per assessment report Ex.PW-2/B, the classification of the vehicle in question after the accident came down to Class VI having been extensively damaged beyond repair.

8. In view of deposition of PW-2 Mr. Vipul Rawat, who is an Officer of the rank of Lieutenant Colonel, and was posted at that point of time as Workshop Officer, I do not find any reason to doubt his deposition or the estimate regarding damage, duly proved by him. He was not to gain personally and had deposed as a part of his official duties. As such, I do not find any infirmity in the aforesaid assessment of damages by the learned Tribunal, based on the evidence led by the claimants. Consequently, there is nothing on record to warrant interference in the impugned award.
9. However, I do find that the interest as has been awarded by the learned Tribunal needs some modification.
10. The learned Tribunal has awarded interest @ 6% per annum from the date of filing claim petition, in case, the compensation is paid by three months and further ordered that in case, the compensation is not paid within three months, the rate of interest would be 9% per annum.

11. In my opinion, the said rate of interest needs to be scaled down a little.
Consequently, it is ordered that the aforesaid compensation shall be paid along with interest @ 7.5% per annum from the date of filing the claim petition, till realisation if not already realized.
12. Finding no merit in the appeal, the same is hereby dismissed except for the above said modification in rate of interest.

May 15, 2018
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No