

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

FAO-1359-2017 (O&M)

Date of decision:- 30.05.2018

Oriental Insurance Co. Ltd.

...Appellant

Versus

Varinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Lalit Garg, Advocate,
for the appellant.

Mr. Neeraj Khanna, Advocate,
for respondent No. 1.

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AVNEESH JHINGAN, J. (ORAL)

The present appeal has been filed against the award dated 02.11.2016 passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short the 'Tribunal').

2. The insurer of car bearing registration No. HR-03-F-0038 is in appeal being aggrieved of the quantum of compensation awarded.

3. On 14.09.2015, Rupinder Kaur alongwith her friend Daljit Kaur was travelling in a Verna car bearing registration No. PB-43-D-0016 (for short the said car). Said car was being driven by Varinder Singh. When they reached at Ice Factory near Tinku's Sheller, the said car was struck by an Indica car bearing registration No. HR-03-F-0038 (for short the offending vehicle). As a result of the accident, Rupinder Kaur suffered injuries. She was taken to Civil Hospital, Morinda, she was declared brought dead. Due to impact of the accident, the said car was damaged badly. FIR No. 153 dated 14.09.2015 was registered at Police Station Morinda.

4. A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short the 'Act') claiming compensation for damage to the said car. The Tribunal awarded a sum of ₹ 6 lacs alongwith interest at the rate of 6% per annum.

5. Heard learned counsel for the parties; perused the paper book and the relevant documents produced by them.

6. The learned counsel for the appellant contended that the average value of similar model of the car was assessed as ₹ 5 lacs by the surveyor and the salvage value of the damaged vehicle was assessed as ₹ 55,000/-. Shingara Singh, PW-3, surveyor, deposed before the Tribunal and furnished his report Exhibit P-2. The grievance is that the Tribunal erred in awarding ₹ 6 lacs which was beyond the value of the car.

7. The learned counsel for the claimant-respondent No. 1 contended that the car was badly damaged and the actual expense on repair was more than ₹ 6 lacs. Rather, he contended that the repair cost was about ₹ 10 lacs.

8. The compensation awarded by the Tribunal is on the higher side. It is very difficult to imagine that a car worth ₹ 5 lacs is got repaired spending more than that and a compensation of ₹ 6 lacs is awarded. Considering the case of the claimant at the highest that it was a case of total loss, still the salvage remained with the claimant and the salvage value was assessed as ₹ 55,000/-. In such circumstances, it is deemed appropriate that the amount of ₹ 6 lacs is reduced to ₹ 4,45,000/-.

9. The appeal is partly allowed.

(AVNEESH JHINGAN)
JUDGE

30.05.2018

Amodh

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