

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

FAO-1451-2003 (O&M)

Date of Decision: 04.09.2019

Sukhwinder Singh

... Appellant

Vs.

Bhagmal and others

... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. S.S. Gill, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for the respondent.

RITU BAHRI, J. (Oral)

The appellant has come in appeal before this Court seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') vide award dated 11.11.2002 whereby he has been awarded a compensation of ₹ 94,000/- on account of damage to the car bearing No.HR-20 F/8838 which met with an accident with a truck bearing No.HR-31/2141 on 09.01.2001.

2. The parties are not in dispute with regard to the finding given by the Tribunal in respect of issue No.1 to the effect that accident took place due to rash and negligent driving of the truck of the driver i.e. Respondent No.1 damaging the car of the claimant. Consequently, FIR No.8 dated 10.01.2001 registered under Sections 279, 336, 427 IPC Ex.P2 was registered against the offending Driver. Compensation has been assessed while taking into account the report of the surveyor.

3. The claimant claimed to have spent about ₹ 1,75,000/- on account of repair of the car. He produced the bills Ex.P1 and Ex.P-5 to P-12.

The representatives of the shops from which the bills have been obtained do not mention the name of the purchaser of the material.

4. The insurance company had got the loss caused to the car and assessed the damage through its surveyor who appeared as RW-1 and he produced assessment report as R-1 which shows that ₹ 92,364/- were spent on account of repair of the car.

5. Accepting the report of the surveyor, the Tribunal has awarded a compensation of ₹ 94,000/- alongwith 9% interest.

6. I find no illegality in the award passed by the Tribunal and the compensation awarded which is based on the report of the surveyor. Consequently, the appeal is dismissed.

04.09.2019
rajeev

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No