

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

1. **FAO No. 1654 of 2014 (O&M)**
Date of decision : September 16, 2019

Oriental Insurance Company LimitedAppellant

Versus

Gurjinder Pal Singh and othersRespondents

2. **FAO No. 1655 of 2014 (O&M)**

Oriental Insurance Company LimitedAppellant

Versus

Gurjinder Pal Singh and othersRespondents

3. **FAO No. 5716 of 2014 (O&M)**

Gurjinder Pal Singh and anotherAppellants

Versus

Rohit Maggu and othersRespondents

4. **FAO No. 5717 of 2014 (O&M)**

Gurjinder Pal Singh and anotherAppellants

Versus

Rohit Maggu and othersRespondents

5. **FAO No. 2107 of 2014 (O&M)**

Oriental Insurance Company LimitedAppellants

Versus

Raghubir Singh and othersRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Vinod Chaudhri, Advocate
for the appellant (in FAO Nos. 1654, 1655 and 2107 of 2014) and
for respondent no.3 (in FAO Nos. 5716 and 5717 of 2014).

Mr.M.S.Longia, Advocate
for respondent no.1 and 2 (in FAO Nos. 1654 and 1655 of 2014)
and for respondent no.1 (in FAO No. 2107 of 2014 and
for the appellants in FAO No. 5716 and 5717 of 2014).

LISA GILL, J.

All the above said appeals, i.e. FAO Nos. 1654, 1655, 2107, 5716 and 5717 of 2014 are taken up for hearing and decision together as they emanate from claim petitions arising out of the accident which took place on 22.09.2012 though the petitions have been decided by the learned Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to 'the Tribunal') vide separate awards of even date.

FAO Nos. 1654 and 1655 of 2014 have been filed by the insurance company challenging award dated 10.12.2013 in MACT No. 129 of 26.10.2012 and MACT No. 130 of 26.10.2012, respectively.

FAO No. 2107 of 2014 filed by the insurance company arises out of MACT No. 131 of 26.10.2012 in respect to damage to the Alto car.

FAO Nos. 5716 & 5717 of 2014 have been filed by the claimants for enhancement of compensation awarded by the learned Tribunal on account of death of Jaswinder Kaur and Manmohan Singh, vide award dated 10.12.2013 in MACT No. 129 of 26.10.2012 and MACT No. 130 of 26.10.2012, respectively.

Brief facts necessary for the adjudication of the case are that it is pleaded in the claim petitions that Jaswinder Kaur and her husband Manmohan Singh (both deceased) were returning home from Rahon to Roopnagar on 22.09.2012 at about 11.30 a.m. in an Alto car bearing registration No. PB-12-P-3270. Manmohan Singh was stated to be driving his car with due care and caution. Bachittar Singh (PW2) was following the vehicle of the deceased on his Scorpio jeep. When the Alto car driven by Manmohan Singh reached the revenue estate of village Asron near DCM factory, the offending Truck bearing registration No. HR-68-1688 driven by respondent No. 1 in a rash and negligent manner, by coming towards the

wrong side of the road struck against the car in which Jaswinder Kaur and Manmohan Singh were travelling. Both Jaswinder Kaur and Manmohan Singh died at the spot. FIR No. 50 dated 22.09.2012 (Ex.P1) was registered at Police station Kathgarh, Tehsil Balachaur. It is stated that the accident in question took place due to the rash and negligent driving of the offending vehicle by its driver. The claimants, who are the sons of Jaswinder Kaur and Manmohan Singh, preferred two claim petitions i.e. MACT Nos. 129 and 130 of 26.10.2012 seeking compensation on account of death of both their parents. MACT No. 131 of 26.10.2012 was preferred by Raghbir Singh owner of the Alto car seeking compensation on account of damage to the vehicle.

Jaswinder Kaur was stated to be 55 years old, a house wife and also imparting tuitions to children, thereby earning a sum of ₹15,000/- per month.

Manmohan Singh was claimed to be 60 years old, running a shop in the name and style of Jattana Photo Frame Works and Reality Group (Property Dealer) near Bela Chowk, Roopnagar and earning a sum of ₹40,000/- per month. The details of his PAN card were disclosed.

Alto car was stated to be totally damaged in the accident in question. Compensation was, thus, prayed for.

The owner and driver of the offending vehicle initially appeared but written statement was not filed on their behalf and they were ultimately proceeded exparte on 18.02.2013.

The insurance company contested the claim petitions claiming that no cause of action had accrued to the claimants. Connivance between the claimants, owner and driver of the offending truck was pleaded.

Learned Tribunal framed the following issues in MACT No.

129 of 26.10.2012 :-

1. Whether Jaswinder Kaur died in a motor vehicular accident which took place on 22.09.2012 at about 11.30 AM in area of village Asron with Truck bearing No. HR-68-1688 being driven by respondent No. 1?OPP.
2. Whether respondent No. 1 – driver was not having valid and effective driving licence at the time of alleged accident? If so, its effect? OPR
3. Whether vehicle in question was being driven without valid RC, route permit and fitness certificate at the time of alleged accident? If so, its effect? OPR
4. Whether petition is bad on account of non joinder and misjoinder of necessary parties? If so, its effect? OPR
5. If issue No. 1 is proved, whether claimants are entitled to get compensation? If so, to what amount and from whom?OPP.
6. Relief.

Learned Tribunal framed the following issues in MACT No.

130 of 26.10.2012 :-

1. Whether Manmohan Singh died in a motor vehicular accident which took place on 22.09.2012 at about 11.30 AM in area of village Asron with Truck bearing No. HR-68-1688 being driven by respondent No. 1?OPP.
2. Whether respondent No. 1 – driver was not having valid and effective driving licence at the time of alleged accident? If so, its effect? OPR
3. Whether vehicle in question was being driven without valid RC, route permit and fitness certificate at the time of alleged accident? If so, its effect? OPR
4. Whether petition is bad on account of non joinder and misjoinder of necessary parties? If so, its effect? OPR
5. If issue No. 1 is proved, whether claimants are entitled to get compensation? If so, to what amount and from whom?OPP.
6. Relief.

Learned Tribunal framed the following issues in MACT No.

131 of 26.10.2012 :-

1. Whether Car No. PB-12-P-3270 got damaged in a motor vehicular accident which took place on 22.09.2012 at about 11.30 AM in area of village Asron with Truck bearing No. HR-68-1688 being driven by respondent No. 1?OPP.
2. Whether respondent No. 1 – driver was not having valid and effective driving licence at the time of alleged accident? If so, its effect? OPR
3. Whether vehicle in question was being driven without valid RC, route permit and fitness certificate at the time of alleged accident? If so, its effect? OPR
4. Whether petition is bad on account of non joinder and misjoinder of necessary parties? If so, its effect? OPR
5. If issue No. 1 is proved, whether claimants are entitled to get compensation? If so, to what amount and from whom?OPP.
6. Relief.

Learned Tribunal in all the three claim petitions on considering the facts and circumstances of the case concluded that the accident in question took place due to the rash and negligent act of the driver of the offending truck and Jaswinder Kaur and Manmohan Singh lost their lives in the said accident. Alto car, in which the deceased were travelling, was held to be totally damaged in the said accident. The plea of contributory negligence sought to be raised by the insurance company was negated.

Learned counsel for the appellant-Insurance Company vehemently argues that the learned tribunal has grossly erred in awarding compensation to the claimants on account of death of Jaswinder Kaur and Manmohan Singh in this matter. Both the claimants are major sons of the deceased and they are not dependent upon them. Therefore, they are not entitled to any compensation. At best, they would be entitled to the relief

under Section 140 of the Motor Vehicles Act. It is further contended that there is active collusion between the claimants and the owner/driver of the offending truck inasmuch as they were represented by the lawyer at the first instance, but thereafter, neither reply was filed nor the said owner/driver of the truck pursued the matter. Learned counsel vehemently argues that the element of contributory negligence is apparent from the evidence on record. The road in question was wide enough for three vehicles to pass each other. As it was a head-on-collision, contributory negligence is clearly made out on the part of the deceased Manmohan Singh while driving his Alto Car. It is further contended that the deceased-Manmohan Singh lacked the necessary driving acumen. His driving license is also not on record. Therefore, contributory negligence on the part of the said deceased is proved.

Learned counsel for the Insurance Company in respect to the claim set up regarding damage to the Alto car, submits that the Insurance Company with which the Alto car was insured, did not satisfy the claim as the driving license of the deceased-Manmohan Singh was not handed over to them. Reference is made to the statement of PW-4-Ajay Kumar Kanwar in this respect. Reliance is placed upon the judgement of the Hon'ble Supreme Court in **Sebastiani Lakra and others Vs. National Insurance Company Limited and another 2018 (4) R.C.R (Civil) 837**. It is, thus, contended that this claim petition deserves to be dismissed on this sole ground itself.

Learned counsel for the claimants, per contra refutes the arguments as above and submits that the plea of contributory negligence was not even raised by the Insurance Company in the written statement. In the absence of any such pleadings and not even a suggestion to the material

witnesses in this regard, the plea of contributory negligence, is not made out in any case. Furthermore, evidence on record does not point to an element of contributory negligence in this case. The contention of learned counsel for the insurance company that the claimants being major sons of the deceased, not dependent on them, therefore, not entitled to any compensation, is denied being incorrect. It is further submitted that there is no question of any collusion between the claimants and the driver/owner of the offending truck. There is no such evidence on record. Moreover, apart from the fact that the driver and owner did not step in the witness box to depose, the driver of the offending truck has been convicted on 09.06.2015. Learned counsel further submits that the compensation awarded to the claimants is meagre and should be enhanced. It is, thus, prayed that the appeals filed by the insurance company be dismissed and those of the claimants be allowed. Consequently, compensation awarded to the claimants be enhanced.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In my considered opinion, the argument raised by learned counsel for the insurance company, in respect to maintainability of the claim petitions by the sons of the deceased on the ground that they are major and were not dependent on the deceased, is misplaced. A plain reading of Section 166 of the Act itself, clearly negates the said argument. At this juncture, it is relevant to refer to Section 166 of the Act which reads as under:-

“166. Application for compensation:- (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of [section 165](#) may be made—

(a) by the person who has sustained the injury; or

- (b) by the owner of the property; or
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
- (d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.”

The term 'legal heirs' is not defined in the Act. The Hon'ble Supreme Court in **Montford Brothers of St. Gabriel and another versus United India Insurance and another Etc. 2014 (3) SCC 398**, rejected the plea that the right of filing a claim should be controlled by the provisions of Fatal Accident Act. The term legal representative was stated to have the same meaning as assigned to it in clause (11) of Section 2 of CPC, which reads as under :-

“ [Section 2\(11\)](#) 'Legal representative' means a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves On the death of the party so suing or sued”.

It is further observed that unless and until there is evidence in support of such pleading that the claimant is not a legal representative, the claim petition cannot be dismissed as not maintainable. In the case of **Mortford Brothers** (supra), the Hon'ble Supreme Court held that the term

legal representatives included the charitable society registered under the Societies Registration Act, 1960 to be the LR of the deceased therein who had renounced the world and had joined the said society. The Hon'ble Supreme Court in **Smt. Manjuri Bera versus The Oriental Insurance Company Ltd. And another 3007 (10) SCC 643** has observed that a legal representative is the one who suffers on account of death of a person due to a motor vehicle accident and need not necessarily be a wife, husband, parent and child. It is observed that even when there is no loss of dependancy, the claimant, if the legal representative, will be entitled to compensation. The statutory compensation to be received under the Act, it is observed could constitute part of the estate of the deceased.

It is, thus, a settled position that the legal representatives of the deceased are entitled to file a claim petition under the Act. It is not necessary that they should be dependent upon the deceased. The claimants, in this case, are admittedly class I legal heirs of the deceased being their sons. Similarly, the argument that the said claimants are not entitled to any compensation, is devoid of any merit and is rejected.

Learned counsel for the insurance company is unable to deny that in the present case, the claimants though major were unmarried at the time of the accident and were living together alongwith their parents. PW1 Kamal Inder Singh one of the claimants has specifically deposed that both he as well as his brother were unmarried and were living together with their parents. There is indeed no evidence on record to negate the same. In the judgment in titled **Smt. Gurdev Kaur and others versus Jharmal Singh and another 2017 (3) PLR 8**, it is held that even major sons and daughters do not lose the status of legal representatives and are entitled to maintain the

claim petition on death of their parent. Compensation was duly awarded to the major sons in this case who were living jointly with the parent i.e. their father. Similar was the view expressed in **Gurmail Kaur and others versus Jawahar Lal Singla and others 2018 (3) Law Herald (P&H) 2730**. In case of **Miss Nandini Minor and others versus Amrik Singh and others 2011 (52) RCR (Civil) 882**, this Court held that:-

“ While loss to estate may itself be merely a token or conventional figure when the compensation is determined taking the dependence factor, it assumes significance in a case where no dependancy is established. The legal heirs come by the benefit of accretions to the estate if he/she lived.”

Major sons and grandchild were held entitled to compensation in **Nandini**'s case (supra). Therefore, the learned Tribunal has rightly held the claimants entitled to file the claim petition and entitled to receive compensation.

Learned counsel for the insurance company had vehemently argued that the element of contributory negligence is apparent, as there is a head on collision in this case. In this regard, it is pertinent to note that PW2 Bachittar Singh, an eye witness of the accident and propounder of the FIR (Ex.P1) has specifically deposed that the accident in question took place due to the sole negligence and rash driving of the offending vehicle by its driver. The offending truck, it is stated, being driven in a rash and negligent manner struck against the Alto car while coming towards wrong side of the road. FIR in this case was promptly registered. It is further not denied that the driver of the offending truck has been convicted by the learned Sub Divisional Judicial Magistrate, Balachaur on 09.06.2015. Merely because there is a head on collision between two vehicles, it cannot, per se, be

indicative of an element of contributory negligence. It is a settled position that in the absence of specific positive evidence on record to show negligence on the part of the deceased, the same cannot be presumed merely on the ground of a head on collision. Reference in this regard can gainfully be made to **Jiju Kuruvila and others versus Kunjujamma Mohan and others 2013 (3) RCR (Civil) 817** wherein the Hon'ble Supreme Court negated the contention that as the driver was in an intoxicated condition, the collision took place due to his negligence. It was held that no definite finding can be given in the absence of specific evidence in this respect.

Another fact which is relevant to be noted at this stage is that the insurance company has not even taken the plea of contributory negligence in its written statement. In fact, it is pleaded that there is collusion between the claimants, the owner and driver of the offending vehicle. The plea of collusion is not effectively substantiated by the evidence on record. Collusion cannot be presumed merely because the driver and the owner of the offending vehicle did not step in the witness box and written statement was not filed on their behalf. This in fact works to be benefit of the claimants. There is not an iota of evidence on record to indicate any relation, much less collusion between the claimants on one hand and the owner and driver of the offending vehicle on the other. Moreover, the driver, in this case, has admittedly been convicted in the criminal proceedings arising out of FIR No. 50 on 22.09.2012.

Therefore, in the facts and circumstances learned Tribunal has correctly negated the plea of contributory negligence as well as that of collusion between the claimants, owner and the driver of the offending vehicle. Finding of the learned Tribunal to the effect that the accident in question took place due to rash and negligent driving of the driver of the

offending vehicle is correct and thereby upheld. There is no dispute that the offending vehicle was duly insured with the appellant - insurance company and the driver of the offending truck was holding a valid and effective licence at the time of the accident. No breach of the terms and conditions of the insurance policy, which can absolve the insurance company of its liability to indemnify the insured, have been pointed out. Thus, there is no merit in FAO Nos. 1654 and 1655 of 2014 filed by the insurance company.

FAO No. 5716 of 2014

In MACT No. 129 of 26.10.2012, notional income of the deceased Jaswinder Kaur was held to be ₹5000/- per month and learned Tribunal awarded a sum of ₹3,66,000/- with interest at the rate of 6% per annum from the date of filing of the claim petition till date of actual realisation of the award. Deduction of 1/3rd was effected. Multiplier of 9 was applied as the deceased was 55 years old at that time. Additionally, a sum of ₹6,000/- on account of funeral, transportation and last rites was awarded.

Learned counsel for the appellants relies upon decision dated 15.01.2014 in FAO No. 218 of 2014 wherein notional income of a house wife has been assessed as ₹9000/- per month in respect to an accident which took place in November 2011 and the deceased was 40 years old. Enhancement of compensation is prayed for.

Jaswinder Kaur was admittedly 55 years old at the time of the accident. There is no evidence on record to indicate the said deceased to be taking any tuitions or earning anything therefrom. However, she was admittedly a house wife. The claimants and both parents were all living together. It is a settled position of law that gratuitous services rendered by

the housewife cannot be equated with that of a labourer or even a skilled worker. This Court in **Ved Parkash and others versus Ram Sarup and others, FAO No. 3395 of 2015**, decided on 08.08.2018, has assessed the income of a housewife, who was 48 years old, to be ₹7,000/- per month in respect to an accident which took place in the year 2011. Accident in the present case took place on 22.09.2012. The deceased was 55 years old, able bodied person and was looking after her household. In the present facts and circumstances, it is considered appropriate to assess the notional income of the deceased to be ₹7,000/- per month. In view of the guidelines of the Hon'ble Supreme Court in the case of **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009**, increase on account of future prospects at the rate of 10% (₹700/-) is afforded as the deceased was 55 years old at the time of accident, which takes the income of the deceased to ₹7700/- per month. In terms of judgment of Division of this Court in **Paramjit Singh and another versus Dilbagh Singh @ Bagga and others 2014 (4) RCR (Civil) 895**, no deduction is to be effected in the compensation to be awarded in the case of death of a house-wife. Applying a multiplier of 11 instead of 9, as per the guidelines in the judgment of the Hon'ble Supreme Court in **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another 2009 (3) RCR (Civil) 77**, dependancy of the claimants is, therefore, assessed as ₹10,16,400/- (₹7700x12x11). The claimants are also entitled to ₹15,000/- each for funeral expenses (instead of ₹6000/-) and loss of estate. In terms of the judgment of the Hon'ble Supreme Court in **Magma General Insurance Company Limited versus Nanu Ram Alias Chuhru Ram and other 2018 (4) RCR (Civil) 333** and decision dated 14.03.2019 of this Court in **FAO**

No. 2110 of 2016 titled **Shri Ram General Insurance Company Limited versus Beant Kaur and others,** appellants i.e. children of the deceased are entitled to ₹40,000/- on account of loss of parental consortium. Claimants are, thus, entitled to total compensation of ₹10,86,400/- detailed as under:-

Loss of dependency (₹7700x12x11)	₹10,16,400/-
Loss of estate	₹15,000/-
Funeral expenses	₹15,000/-
Loss of parental consortium	₹40,000/-
Total	₹10,86,400/-

The amount of compensation already awarded to the appellants, needless to say, shall stand deducted from the amount calculated as above. Appellants are entitled to interest at the rate of 7.5% per annum on entire awarded amount from the date of filing of the petition till realization.

Apportionment of amount of compensation amongst claimants shall be in the same ratio as fixed by the learned Tribunal. Directions of the Tribunal in respect to manner of disbursement of compensation amount to the claimants shall enure.

FAO No. 5717 of 2014

In MACT No. 130 of 26.10.2012, income of the deceased Manmohan Singh, was assessed as ₹6,000/- per month in the absence of any evidence on record regarding income. Learned Tribunal awarded a sum of ₹3,90,000/- with interest at the rate of 6% per annum from the date of filing of the claim petition till the date of actual realisation of the award. Deduction of 1/3rd was effected. Multiplier of 8 was applied as the deceased was 60 years old at that time. Additionally, a sum of ₹6,000/- on account of funeral, transportation and last rites was awarded.

The deceased Manmohan Singh was claimed to be 60 years old,

running a shop in the name and style of Jattana Photo Frame Works and Reality Group (Property Dealer) near Bela Chowk, Roopnagar. The claimant – Kamal Inder Singh has specifically stated in this respect. Statement of account of Manmohan Singh with the Bank of Maharashtra (Ex.P4) was produced in order to establish his income. Learned Tribunal has correctly held that there is no evidence of the exact income earned by the deceased but at the same time the assessment of the income of the deceased is ₹6000/- per month is not justified in this facts and circumstances of the case. As mentioned in foregoing para, minimum wage of an unskilled labourer in the State of the Punjab at the time of the accident was ₹5200/- and that of highly skilled labourer was ₹6877/- per month. Keeping in view the facts, circumstances and evidence on record including the bank statement of Manmohan Singh, it is considered just and expedient to assess his income as ₹7500/- per month. As the deceased was 60 years old, no increment on account of future prospects is to be afforded. In view of the guidelines laid down by the Hon'ble Supreme Court in case of **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another** 2009 (3) RCR (Civil) 77, deduction of 1/3rd is to be applied, thereby rendering income of the deceased to be ₹5000/- (7500-2500). Applying a multiplier of 9 instead of 8, dependancy of the claimants is assessed as ₹5,40,000/- (₹5000x12x9). The claimants are also entitled to ₹15,000/- each (instead of ₹6000/-) for funeral expenses and loss of estate. In terms of the judgment of the Hon'ble Supreme Court in **Magma General Insurance Company Limited versus Nanu Ram Alias Chuhru Ram and other** 2018 (4) RCR (Civil) 333 and of this Court in FAO No. 5882 of 2018 (National Insurance Company Ltd. Versus Rinki Sharma and others) which was

decided on 14.03.2019 alongwith **FAO No. 2110 of 2016** titled **Shri Ram General Insurance Company Limited versus Beant Kaur and others,**

appellants are entitled to ₹40,000/- on account of loss of parental consortium. Claimants are, thus, entitled to total compensation of ₹6,10,000/- detailed as under:-

Loss of dependency(₹5000x12x9)	₹5,40,000/-
Loss of parental consortium	₹40,000/-
Loss of estate	₹15,000/-
Funeral expenses	₹15,000/-
Total	₹6,10,000/-

The amount of compensation already awarded to the appellants, needless to say, shall stand deducted from the amount calculated as above. Appellants are entitled to interest at the rate of 7.5% per annum on entire amount from the date of filing of the petition till realization.

Apportionment of amount of compensation amongst claimants shall be in the same ratio as fixed by the learned Tribunal. Directions of the Tribunal in respect to manner of disbursement of compensation amount to the claimants shall enure.

FAO No. 2107 of 2014

Learned Tribunal in respect to the compensation for damage of the Alto car held that the claimant is entitled to receive the price of the vehicle instead of the amount required for repair of the damaged car. This is so observed in view of the report of the Engineer Ajay Kumar Kanwar, Valuer PW4, who vide his detailed report Ex.P5 stated that the cost of repair of the vehicle was ₹4,25,770.59. This is much more than the actual price of the vehicle i.e. ₹2,58,805/- as per invoice Ex.P3. The Alto car was purchased by the claimant – Raghbir Singh on 16.01.2012. The accident in

question took place on 22.09.2012. Learned Tribunal, thus, awarded a sum of ₹2,38,805/- after deducting the salvage value of ₹20,000/- alongwith interest at the rate of 6% per annum.

Learned counsel for the appellant - insurance company has argued that the said Alto car was insured with another insurance company, which has rejected the claim of the owner on the ground that the driving licence of the person driving the car was not produced and that the claim should have been dismissed as the insurance company of the Alto car has not even been impleaded.

Having heard learned counsel for the parties and going through the record, I do not find any ground whatsoever to interfere in the impugned award dated 10.12.2013.

As discussed in the foregoing paras, there is no element of contributory negligence, therefore, it is not imperative to have impleaded the insurer of the Alto car. In view of the discussion in the foregoing paras and affirmation of the finding of the learned Tribunal that the accident in question took place due to rash and negligent driving of the offending truck, the claimant is indeed entitled to compensation on account of damage caused to the Alto car. The photographs admittedly of the Alto car in question, attached with the report of the Valuer PW4, reveal the nature of damage to the car. The cost of repair is merely double the price of the car itself. Therefore, in this situation, learned Tribunal has correctly awarded the price of the car less the salvage value.

Learned counsel for the appellant - insurance company is unable to point out any illegality or infirmity in the award dated 10.12.2013 in MACT No. 131 of 26.10.2012.

With the abovesaid modification in the amount of

compensation, FAO Nos. 5716 & 5717 of 2014 are disposed of and FAO Nos. 1654, 1655 and 2107 of 2014 are dismissed.

September 16, 2019
rts

(Lisa Gill)
Judge

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