

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

**F.A.O. No. 3293 of 2016(O&M)
Date of Decision: 25.03.2019**

Ajit Singh

.....Appellant.

Versus

Dilbagh Singh and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vipul Sharma, Advocate
for Mr. Nitin Mittal, Advocate
for the appellant.

Mr. Nitin Mittal, Advocate
for respondent no.2-Insurance Company.

LISA GILL, J (Oral).

This appeal has been filed by the appellant seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Ambala (for short 'Tribunal'), vide award dated 26.11.2015 on account of the damage caused to the vehicle involved in the accident which occurred on 21.01.2014.

As per averments in the claim petition under Section 166 of the Motor Vehicles Act (for short 'M.V.Act'), Jagdish Lal, after purchasing two buffaloes on 21.01.2014 and loading them on Tata Ace bearing registration no. HR-31-C-9531, was going to his village, Toba. The said Tata Ace was driven by appellant-Ajit Singh at a moderate speed. Jagdish Lal followed the

Tata Ace on his motorcycle and Dharam Pal son of Gulzar Nath, being broker, was also travelling in the said Tata Ace. When they reached in the area of village Khudda Kalan, Police Station, Mahesh Nagar, District Ambala, a cheverlot Beat car bearing registration no. HR-01-AF-1277 came from the other side and struck against their vehicle. As a result thereof, Dharam Pal received injuries and both the buffaloes loaded in Tata Ace died at the spot. FIR, Ex.P-23 was registered against respondent no.1-Dilbagh Singh in this respect.

Learned Tribunal concluded that the damage to Tata Ace bearing registration no. HR-37-C-9531 was caused due to rash and negligent driving of the offending vehicle by respondent no.1-Dilbagh Singh. Said finding of the learned tribunal has attained finality.

Learned tribunal awarded a sum of ₹1,24,170/-/- along with interest @9% per annum from the date of filing of the claim petition till realisation of the amount to the claimant. A sum of ₹94,170/- which the appellant had received from the insurer of the vehicle itself, was deducted.

Learned counsel for the appellant submits that compensation awarded to the appellant on account of the damage caused to Tata Ace, is woefully insufficient and prays that the same be enhanced.

Learned counsel for the respondent-Insurance Company, while refuting the above argument, submits that compensation has been reasonably assessed by the learned tribunal and there is no scope for any further enhancement. Learned counsel prays for dismissal of the appeal.

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

Learned counsel for the appellant is unable to point out any evidence on record to justify any enhancement in this case. As per Exhibit P-26 to Exhibit P-28, expenditure of ₹1,84,117/- by the appellant on account of damage to the witness is indicated. Learned tribunal rightly deducted the sum of ₹94,170/- received by the appellant from the Insurance Company which had insured the damaged vehicle. A sum of ₹30,000/- was awarded by the learned tribunal for loss of income which the appellant would have suffered due to damage to the vehicle. Therefore, keeping in view the facts and circumstances of the case, there is no ground whatsoever to interfere in the impugned award dated 26.11.2015 passed by the learned tribunal, Ambala in this regard.

No other argument has been raised.

Learned counsel for the appellant is unable to point out any illegality or infirmity in the impugned award dated 26.11.2015 passed by the learned tribunal, Ambala, which calls for interference by this Court at the instance of the appellant.

Appeal is accordingly dismissed with no order as to costs.

25.03.2019

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.