

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No. 5547 of 2015
DECIDED ON: MAY 22, 2019

RAJVIR SINGH AND OTHERS

APPELLANTS

VERSUS

JAGTAR SINGH AND OTHERS

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Angad Chahal, Advocate for
Mr. Aminder Singh, Advocate
for the appellants.

Mr. Radhe Shyam Sharma, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J (Oral):

The award dated 11.11.2014 passed by the Motor Accident Claims Tribunal, Sangrur (for brevity 'the Tribunal') in MACP Case No. 68 of 05.09.2013 has been assailed in appeal by the legal heirs of Jaipal seeking enhancement of compensation.

The driver, registered owner and insurer (i.e. The Oriental Insurance Company Ltd.) of Trola bearing registration No. PB-13-L-7855 (hereinafter referred to as 'offending vehicle') have been arrayed as respondents No.1 to 3 respectively in the appeal.

The facts necessary for adjudication of present appeal are that on 25.04.2007, the offending vehicle struck against another truck bearing registration No. HR-45-0777 and thereafter, the offending vehicle struck against the commercial shop and residential house of Jaipal. The portion of shop and residential house was damaged.

A claim petition was filed by the legal representatives of Jaipal claiming compensation for the damages caused to the residential house and shop. The Tribunal opined that the accident was caused due to the rash and negligent driving of the offending vehicle. The driver, owner and insurer of the offending vehicle were held jointly and severally liable to pay the compensation. The Tribunal awarded a sum of ₹1,50,000/- alongwith interest @7.5% per annum. The present appeal has been filed seeking enhancement of compensation.

Heard learned counsel for the parties and perused the relevant documents produced by them.

Learned counsel for the appellants argues that the Tribunal awarded a meagre amount for damage caused to the residential house and shop.

Learned counsel for the insurer defends the award and resisted any further enhancement.

The appellants failed to produce any evidence to prove the extent of damage caused to the properties. CW-1 Visakha Singh deposed before the Tribunal but in his cross-examination he admitted that he was a draftsman and was not qualified or authorised to assess the loss or damages caused to the property. No other witness was examined. It would be

pertinent to note at this stage, that the claimants had earlier filed a civil suit for damages, the same was decreed and the civil court awarded a sum of ₹1,50,000/-. The said judgment and decree was challenged in appeal and it was set aside for want of jurisdiction. The claimants relied upon the judgment and decree passed by the civil court to establish that there was damage to the tune of ₹1,50,000/-.

Relying upon the judgment and decree of the civil court, the Tribunal awarded a sum of ₹1,50,000/-.

Nothing has been produced to establish as to what extent the residential house and shop was damaged. In such circumstances, there is no scope of enhancement.

Dismissed accordingly.

(AVNEESH JHINGAN)
JUDGE

MAY 22, 2019
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>