

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 8330 of 2017 (O&M)

Date of Decision: 26.03.2019

Gurjit Singh Sekhon

.....Appellant

Versus

Baldev Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amandeep Kaur, Advocate
for the appellant.

AVNEESH JHINGAN, J.(oral)

The award dated 24.7.2017 passed by the Motor Accident Claims Tribunal, Chandigarh, has been assailed by the owner of car bearing registration No.PB-60-A-6155 seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') on account of damage to the said car.

The fact with regard to the accident is not in dispute. A motor vehicular accident took place in the intervening night of 18/19.6.2016 at about 11:15 p.m. The accident was caused due to rash and negligent driving of the truck bearing registration No. PB-19-H-6232 (for short 'the offending vehicle'). The owner of the car filed a claim petition claiming compensation for damage to the car.

The Tribunal considering the fact that the vehicle was of 2009 make and the company has stopped the manufacturing the model of car in question, granted compensation of ₹ 2,00,000/- in lumpsum alongwith interest at the rate of 6% per annum.

Heard learned counsel for the appellant and perused the relevant documents produced by her.

Learned counsel for the appellant contends that the estimation of repair i.e. Ex.P7 was produced which showed the cost of repair of ₹ 14 lakhs. She further argues that the appellant deposed as PW3 and stated that the market value of car in 2016 was ₹ 6,00,000/-, the Tribunal erred in awarding a sum of ₹ 2,00,000/- as compensation.

The contention raised is not well founded. The car in question was seven years old at the time of accident. The manufacturing of the particular model of the car involved in the accident was stopped by Manufacturer. This itself affects the re-sale value of the old vehicle. The Tribunal has considered that there is salvage value of the car in the damage condition to the tune of ₹ 50,000/-. Apart from self serving statement of the appellant that the market of the car in 2016 was ₹ 6,00,000/-, there is not even an iota of evidence produced to prove the market value of the car at the time of accident.

There is no scope for enhancement of compensation.

No interference is called for in the impugned award.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

26.03.2019
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Whether speaking/reasoned	Yes
Whether Reportable:	No