

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

FAO No.3343 of 2002

Date of Decision:22.11.2022

Naresh Kumar

...Appellant

Versus

Krishan Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Tarun Yadav, Advocate
for the appellant.

Respondents No. 1, 2 and 4 proceeded against *ex-parte*
before the Tribunal.

Ms. Shamsheer Kaur, Advocate
for respondent No.3-National Insurance Company Limited.

Mr. Akashdeep Singh, Advocate
for respondent No.5-Oriental Insurance Company Limited.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved and dissatisfied by the Award dated 04.03.2002 passed by learned Motor Accident Claims Tribunal, Rewari (for short 'the Tribunal'), whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been awarded compensation to the tune of Rs.6000/- along-with interest @ 9% per annum from the date of filing of the claim petition till its realisation, he (claimant) has preferred the instant appeal for seeking enhancement of the same.

2. Shorn and short of unnecessary details, the facts leading to the filing of the present appeal, are that the claimant filed a claim petition

against the respondents, being the respective driver, owner and insurer of the TATA-407 vehicle bearing registration No.HR-26A-5800 and the driver and insurer of the Jeep bearing registration No.RJ-20C-0317, for seeking compensation on account of the damage caused to the above-said Jeep in a motor vehicular accident that took place on 31.01.1995.

3. It is worth-while to mention here that respondents No.1, 2 and 4 were proceeded against *ex-parte* by the Tribunal. Respondents No.3 and 5 filed their respective written statements and thereafter, the parties were put to the trial by framing the issues and the claimant as well as respondent No.3 led their evidence and after appreciating and evaluating the same and hearing learned counsel for the contesting parties, the Tribunal partly allowed the claim petition vide the impugned Award.

4. I have heard learned counsel for the claimant as well as learned counsel for respondents No.3 and 5 in the instant appeal and have also perused the file thoroughly.

5. Learned counsel for the appellant has contended that the appellant suffered a loss of Rs.80,000/- on account of the damage caused to the afore-said Jeep in the accident in question but the Tribunal has awarded a meagre amount of Rs.6000/- as compensation to him on the said score which is quite inadequate and therefore, the claimant is entitled for the enhancement of the amount of compensation.

6. Per contra, learned counsel for respondent No.3 has argued that the claimant, being a third party, has been awarded the compensation as per the statutory liability of the insurer of the above-said TATA-407

vehicle and therefore, the present appeal deserves dismissal.

7. Concededly, respondent No.5 is the insurer of the said Jeep and has already rejected the claim as raised qua the damage caused to the same and respondent No.3 is the insurer of the said TATA-407 vehicle. Section 147(2)(b) of the Motor Vehicles Act, 1988 provides that a policy of insurance, referred to in sub-section (1), shall cover any liability, incurred in respect of any accident, qua the damage to any property of a third party, up to a limit of rupees six thousand. A perusal of Exhibit R1, i.e the copy of the Insurance Cover Note of the said TATA-407 vehicle, reveals that the insured had not paid any additional premium so as to extend the liability of the insurer to an unlimited extent. It being so, respondent No.3-Insurance Company cannot be fastened with any liability to pay the compensation beyond the afore-said amount, as has already been awarded to the claimant for the damage caused to the said Jeep in the accident in question.

8. Seen from yet another angle, the Tribunal has categorically observed in Para No.15 of the impugned Award that the claimant did not place any Bill or record regarding the repair of the above-said Jeep nor he had examined the mechanic from whom he had got the said vehicle repaired and rather, he had simply got the Estimate qua the repair of the same proved. In such circumstances, it becomes explicit that the claimant has not even been able to substantiate his averment regarding his having suffered the loss to the tune of Rs.80,000/- on the above-said count.

9. As a sequel to the fore-going discussion, it follows that the impugned Award does not suffer from any illegality, infirmity, irregularity

or perversity so as to call for any interference by this Court. Resultantly,
the appeal in hand, being *sans* any merit, is hereby dismissed

November 22, 2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*