

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

FAO-7797-2015
Decided on : 27.05.2022

Harbhajan Kaur and another

..... Appellants

Versus

Sahil Kapoor and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Gupta, Advocate
for the appellants.

Service of respondents No.1 and 2
is dispensed with vide order dated 23.08.2016.

Mr. Ankur Gupta, Advocate
for respondent No.3-Insurance Company.

None for respondents No.4 to 6.

Manjari Nehru Kaul, J.(Oral)

Instant appeal has been filed by the appellants-claimants impugning the award dated 23.07.2015 passed by Motor Accident Claims Tribunal, Hoshiarpur (hereinafter called as 'the Tribunal') in the claim petition under Section 166 of Motor Vehicles Act wherein compensation of Rs.63,391/- was assessed and awarded to the appellants for damage to the vehicle i.e. Toyota Qualis bearing registration No.HR-01-L-3190 on which the deceased Sajjan Singh was travelling.

Brief facts of the case as pleaded in the claim petition may be noticed as thus; On 26.05.2013 Sajjan Singh (deceased) was driving Toyota Qualis bearing registration No.HR-01-L-3190 and going towards Rajasansi Airport, Amritsar to drop one Gurprit Singh, who was scheduled to fly on

26.05.2013. Malook Singh and Joginder Singh were also travelling along with the deceased in his vehicle. At about 1.30 am when they reached the area of Chowk Fatehgarh Churian Road bypass, Amritsar a car bearing registration No.PB-02-BQ-Temp-6399 (hereinafter referred to as 'the offending vehicle') came in a rash and negligent manner being driven by respondent No.1-Sahil Kapoor from Amritsar side. Respondent No.1 was unable to control the offending vehicle, as a result of which, it collided with the driver's seat of Toyota Qualis. The deceased as a result of the collision was sandwiched between the offending vehicle and his own car i.e. Toyota Qualis. Toyota Qualis was fully damaged in the accident in question. The deceased was removed to the hospital, however, on 28.05.2013 he succumbed to his injuries. It was claimed that on account of the accident, the vehicle had suffered severe damage and the loss incurred were Rs.60,056/-. It was further claimed that another amount of Rs.3,335/- were paid as survey fee bill to the surveyor.

Learned counsel for the appellants submits that the compensation awarded qua the damage suffered by the Toyota Qualis was inadequate and thus, required to be enhanced.

On the other hand, learned counsel for the insurance company submits that the Tribunal had rightly assessed the claim of the appellants qua the damage in the sum of Rs.63,391/-.

Heard learned counsel and perused the relevant material available on record.

As per the Surveyor's report, the damage caused to the vehicle was assessed at Rs.60,056/- and he charged Rs.3,335/- as survey fee bill for

the same. He produced the bill on record. The Tribunal has thus, correctly awarded the compensation in the sum of Rs.63,391/- qua the damages after taking into account the surveyor's report. This Court, therefore, does not find any ground to enhance the amount of compensation for the damage to the vehicle.

Accordingly, the present appeal stands dismissed.

27.05.2022
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(MANJARI NEHRU KAUL)
JUDGE

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