

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

FAO No. 3461 of 2016 (O&M)

DATE OF DECISION :- January 11, 2023

Surjeet Kumar

...Appellant

Versus

Mohammad Sanual and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. A.S. Prajapati, Advocate
for Mr. Harsh Bhargava, Advocate for the appellant.

C.M. No. 12452-CII of 2016

This is an application for condonation of delay of 02 days in filing the appeal.

Heard.

For the reasons mentioned in the application and in the interest of justice, such delay is condoned.

The application is allowed.

FAO No. 3461 of 2016

Briefly stated the facts of the case are that on 6.3.2013 Balwan Singh along with his son Surjeet and friend Satbir Singh, were travelling in his Maruti Car bearing registration No. HR 12S-5468 to Manesar, District Gurgaon. The Car was being driven by Surjeet Singh at a moderate speed. While they reached near Dighal By-pass, Jhajjar Road, Rohtak, a Multi Axle Trailer (Truck) bearing Registration No. HR55P-1345 came from behind being driven at a very high speed in a rash and negligent manner. It suddenly took a turn. Resultantly it struck the divider and container fell down from the trailer

on the Maruti Car in question. Resultantly, Balwan Singh and Surjeet received injuries whereas the Car was totally damaged. The matter was reported to the police and an F.I.R No. 62 dated 6.3.2013 for offences under Sections 279 and 337 IPC was got recorded at Police Station Beri. Balwan Singh had brought a claim petition against Mohammad Sanaul, driver, Satkar Logistics Private Limited, New Delhi, owner and IFFCO TOKIO General Insurance Company Limited, Gurgaon, insurer of offending Multi Axel Trailer (Truck).

Balwan Singh had expired. A claim petition was filed by his LRs. Surjeet Kumar had filed two claim petitions. One on account of damage of Maruti Car and other for suffering injuries. The three claim petitions were dealt with and decided together by Motor Accident Claims Tribunal, Rohtak vide a single Award dated 22.9.2015. Claim petition filed by claimant Surjeet Kumar with regard to payment of compensation due to damage of Maruti Car bearing registration No. HR 12S-5468 was dismissed observing that as per own version of the appellant he had received Rs.2,15,000/- from the Insurance Company as own damage claim and in addition had sold the Car for Rs.73,000/-. Further due to non production of any report by the Surveyor showing extent of damage to the car, the Tribunal found it unable to assess the damage caused to the Car. Under the circumstances, Surjeet Kumar was not found entitled to get any compensation on account of damages to the Car.

Feeling aggrieved, Surjeet Kumar has approached this Court by way of filing the present appeal.

I have heard learned counsel for the appellant besides going through the record.

I find that the appeal is without any merit. As observed by the Tribunal in the impugned Award the claimant has already received a sum of

Rs.2,15,000/- from the Insurance Company as own damages besides selling the Car for Rs.73,000/- and with no evidence even their that the damage caused to the Car was more than the said amount. The claim by the claimant was rightly declined by the Tribunal. I do no see any reason to interfere with the impugned Award.

The appeal being without merit stands dismissed.

(H.S. MADAAN)
JUDGE

January 11, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No