



FAO-1308-2007 (O&M)

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

**FAO-1308-2007 (O&M)
Reserved on : 30.04.2025
Pronounced on : 07.05.2025**

Wazir Singh

.....Appellant

Vs.

M/s Arawati Roadways and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Nischal Chetanya Manchanda, Advocate, for
Mr. Jagdish Manchanda, Advocate,
for the appellant.

Mr. Pardeep Goyal, Advocate and
Mr. Abhishek Goyal, Advocate,
for respondent No.2-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 10.11.2006 passed in the claim petition filed under Sections 166, 140, 141 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal') for enhancement of compensation, granted to the claimant/appellant to the tune of Rs.1,26,081/- along with interest at the rate of 7.5% per annum, in respect of damage to truck bearing registration No.HR-55A-7771 owned by the appellant/claimant, in a Motor Vehicular Accident, occurred on 01.07.2004.
2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed



narration of the facts of the case is not reproduced and is skipped herein for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. The learned counsel for the appellant/claimant contends:-

i) That the compensation awarded in respect of damage to his truck bearing registration No.HR-55A-7771, which was got damaged in the accident in question, by the learned Tribunal is on the lower side and deserves to be enhanced.

ii) That the appellant/claimant is the registered owner of said truck and he got it repaired at workshop of Om Parkash at Ambala and from other mechanics. The said truck remained off the road for five month and an amount of more than Rs.2,00,000/- was spent by him on its repairs, purchase of its spare parts and other related work.

Therefore, the present appeal be allowed and the compensation awarded to the appellant/claimant be enhanced, as per latest law.

4. *Per contra*, learned counsel for the respondents-Insurance Company, however, vehemently argues that the award has rightly been passed and the amount of compensation as assessed by the learned Tribunal has rightly been granted. Therefore, he prays for dismissal of the appeal.

5. I have heard learned counsel for the parties and perused the whole record of this case.



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6. A perusal of the award shows that at the time of accident, the appellant/claimant was the registered owner of truck bearing registration No.HR-55A-7771, which is evident from the registration certificate (Ex.P22). Further, the appellant/claimant has annexed the bills pertaining to amount spent on repair and the purchase of spare parts etc., which are proved on record as Exhibit P-6 to P-12 and P-17. The total amount spent vide all the annexed bills comes out to be Rs.1,58,934/-. The learned Tribunal has awarded a compensation of Rs.1,26,081/-, which is on the lower side, based on the final survey report, while not taking into consideration certain bills and without considering evidence on record. Therefore, the award requires indulgence of this Court.

RELIEF

7. In view of the above, the present appeal is **allowed**. The appellant/claimant is entitled to enhanced amount of compensation **Rs.32,853/-** (Rs.1,58,934 – 1,26,081/-). Consequently, the award dated 10.11.2006 is modified accordingly.

8. So far as the interest part is concerned, as held by Hon'ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma** 2019 ACJ 3176 and **R.Valli and Others VS. Tamil Nadu State Transport Corporation** (2022) 5 Supreme Court Cases 107, the appellant/claimant is granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

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9. The respondents No.2 is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is directed to disburse the enhanced amount of compensation along with interest in the account of the claimant/appellant. The claimant/appellant is directed to furnish his bank account details to the Tribunal.

10. Respondent No.2-Insurance Company is hereby directed to disburse the current scheduled fee to Mr. Pardeep Goyal, Advocate, within a period of 20 days from the date of receipt of the copy of this judgment, in view of the order dated 18.07.2024 passed in FAO No.1682 of 2007 by this Court.

11. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

07.05.2025

Virrendra

Whether speaking/non-speaking	: Speaking
Whether reportable	: Yes/No