



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

228

FAO-3050-2007 (O&M)

Date of Decision: 31.01.2025

Mohinder Singh

.....Appellant

Vs.

Dhub Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Ravinder Kaur, Advocate for
Ms. Anita Sharma, Advocate and
Mr. Gurcharan Dass, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance Company.

SUDEEPTI SHARMA J. (ORAL)

1. The present appeal has been preferred against the award dated 12.03.2007 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') for enhancement of compensation, granted to the appellant/claimant to the tune of Rs.54,120/-, on account of damages caused to his truck bearing registration No.PUC-4235, in a Motor Vehicular Accident, occurred on 26.04.1998.

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 THE LEARNED COUNSELS FOR THE PARTIES**

3. The learned counsel for the appellant/claimant contends that the compensation assessed by the learned Tribunal is on the lower side. She further contends that the Tribunal has erred while calculating the actual damage caused to the truck in the accident and awarded less amount of compensation. Therefore, she prays that the present appeal be allowed and compensation be enhanced.

4. *Per contra*, learned counsel for respondent No.3-Insurance Company, however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by the Ld. Tribunal, has rightly been granted to the appellant/claimant on account of damage caused to his truck in a road accident. Therefore, he prays for dismissal of the present appeal.

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

6. A perusal of the award shows that the truck No.PUC-4235 got severely damaged in the accident dated 26.04.1998 and the Ld. Tribunal has awarded less amount of compensation. The Ld. Tribunal had totally ignored the report of the Surveyor proved on record as Ex.PW-4/A, which shows that the total cost of the spare parts which were replaced was amounting to Rs.54,695/- whereas the total labour charges were Rs.55,000/-, in all, a sum of Rs.1,09,695/- was spent on the repair of the truck to make it serviceable and to bring it on the road.

7. Further perusal of the record shows that the Tribunal while awarding the amount of compensation has wrongly deducted 40% of



depreciation on the price of new spare parts by giving the reasoning that the truck was 21 years old and is not entitled to be compensated for the whole amount of the new spare parts. This Court is of the view that even though, the truck was 21 years old but the expenditure which was incurred on the truck to made it run once again on the road, was solely incurred due to the damage caused by the accident and for no other reasons. Had there been no such accident occurred, the appellant/claimant would not have spent this huge amount of expenditure on its repair. Therefore, the award requires indulgence of this Court.

RELIEF

8. In view of the above, the present appeal is allowed. The award dated 12.03.2007 is modified accordingly. The appellant/claimant is entitled to enhanced compensation to the tune of Rs.20,000/-

9. 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.

10. The respondent No.3-Insurance Company is directed to deposit the enhanced amount of compensation alongwith interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is further directed to disburse the enhanced amount of compensation alongwith interest in the account of the appellant/claimant. The



appellant/claimant is directed to furnish his bank accounts details to the learned Tribunal.

11. Respondent No.3-Insurance Company is hereby directed to disburse the current scheduled fee to Mr.Suvir Dewan, 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.

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

(SUDEEPTI SHARMA)
JUDGE

31.01.2025
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Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No