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

FAO-721-2016 (O&M)

Date of Decision : 28.05.2025

Ajay Singh

... Appellant(s)

Versus

Mahender Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate for the appellant.

Mr. Nigam Bhardwaj, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the impugned award dated 14.09.2015 passed by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal').

2. Learned counsel for the claimant-appellant would contend that the claim petition was dismissed only on the ground that the claimant-appellant had failed to satisfy the conscience of the Court that he had not claimed any compensation from his own Insurance Company qua the damage to the vehicle. Learned counsel would further contend that there was nothing on the record to even remotely show that any amount was claimed from his own Insurance Company qua the damage to the vehicle. It is further the contention of the learned counsel that the injured (appellant herein) had filed a claim petition being MACT Petition No.811 of 2012 which was allowed on 26.09.2013 holding that the offending vehicle was

being driven in a rash and negligent manner. Learned counsel has further contended that the Insurance Company (respondent No.3 herein) would be the only contesting respondent inasmuch as in the claim petition filed qua the injuries sustained by the claimant-appellant, the Insurance Company has been held to be liable and, hence, there would be no requirement for impleading the legal representatives of respondent No.2, who is stated to have died.

3. *Per contra* the learned counsel for respondent No.3-Insurance Company is not in a position to deny that the claim petition filed by the claimant-appellant qua the injuries was allowed vide the award dated 26.09.2013 passed by the Motor Accident Claims Tribunal, Nuh. Learned counsel is further not in a position to dispute the fact that there is nothing on the record that the claimant-appellant had claimed the compensation qua the damage to his vehicle from his own Insurance Company.

4. Heard.

5. In view of the fact that there is nothing on the record to even remotely suggest that the claimant-appellant had claimed the compensation qua the damage to his vehicle from his own Insurance Company, which fact is not disputed by the learned counsel for the Insurance Company, the impugned award dated 14.09.2015 cannot be sustained and the same is accordingly set aside. The amount claimed for the damage to the vehicle was ₹35,000/- and, hence, this Court does not deem it appropriate to remand the matter back. The claim petition is accordingly allowed. The claimant-appellant is awarded compensation of ₹35,000/- qua the damage to his

vehicle. The said amount shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

6. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 SCC OnLine SC 567]**, the amount of compensation be transferred by the Insurance Company in the bank account of the claimant-appellant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant-appellant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest.

7. Pending applications, if any, also stand disposed off.

28.05.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO