

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

FAO-109-2017

Reserved on: 17.11.2025

Date of decision: 20.11.2025

Uploaded on: 20.11.2025

KULDEEP

.....Appellant

Vs.

YUSUF ALI AND ORS.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present:- Mr. Raman Chawla, Advocate
for the appellant.

Mr. Radhey Shyam Sharma, Advocate
for respondent No.2 and 3.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 29.02.2016 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (in short '1988 Act'), by the learned Motor Accident Claims Tribunal, Bhiwani (in short 'the Tribunal') for enhancement of compensation, granted for the damage of vehicle to the tune of Rs.1,50,000/- along with interest @ 9% per annum in a Motor Vehicular Accident, occurred on 24.02.2015.

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 required to be reproduced and is skipped herein for the sake of brevity.

**SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES**

3. The learned counsel for the appellant/claimant contends that the compensation awarded by the learned Tribunal on the account of damage of vehicle is on the lower side and deserves to be enhanced.

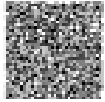
4. Therefore, he prays that the present appeal be allowed and the compensation awarded to the appellant/claimant be enhanced, as per latest law.

5. *Per contra*, learned counsel for the respondents, however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by Ld. Tribunal for the damage of the vehicle, has rightly been granted to the appellant/claimant. Therefore, he prays for dismissal of the present appeal.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

7. Adverting to the contention of the appellant the vehicle bearing registration number RJ-10-PA-4877 sustained severe damage in the roadside accident in question. To substantiate this contention, the claimant examined PW-4 (Madhur Thukral), who deposed as to the physical condition of the vehicle. He supported his testimony with the surveyor's report, marked Exhibit PW4/A.

8. According to the report, the surveyor (PW4) found that the vehicle was severely damaged. However, the report is not accompanied by any photographs. In the absence of photographic evidence, the tribunal was unable to visually verify the extent of the damage: thus, the physical condition of the vehicle remained uncorroborated beyond the verbal description in the report.



9. Despite this evidentiary gap, the tribunal exercised its discretion and awarded ₹1,50,000 in the interest of justice. Although the proof of physical damage is not fully conclusive, the quantum granted by the tribunal is reasonable and adequate under the circumstances. Therefore, the award does not require any interference of this court in this regard.

10. Consequently, the present appeal being devoid of merits, stands dismissed.

11. The statutory amount of Rs.25,000/- deposited by the appellant at the time of admission of the appeal, is ordered to be refunded to them.

20.11. 2025

Ayub

(SUDEEPTI SHARMA)
JUDGE

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