

FAO-4821-2012 (O&M)

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

FAO-4821-2012 (O&M)

RUPINDER SINGH

.....Appellants

Vs.

PAWAN KUMAR AND ORS.

.....Respondents

Reserved on: 13.05.2026

Pronounced on: 15.05.2026

Uploaded on:- 22.05.2026

<i>Whether only the operative part of the judgment is pronounced?</i>	No
<i>Whether full judgment is pronounced?</i>	Yes

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

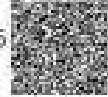
Present: Mr. Parveen Kumar, Advocate
Mr. Rishi Pal Chaudhary, Advocate
for the appellant.

Mr. Maninder Arora, Advocate
Mr. Nayan Jain, Advocate
for respondent No.3-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 01.11.2011 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, Jagadhri (in short 'the Tribunal') for enhancement of compensation, granted to the appellant/claimant to the tune of Rs.1,88,551/- on account of damage to shop of the claimant/appellant in a motor vehicular accident, occurred on 10.03.2011.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration

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of the facts of the case is not required to be 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 awarded by the learned Tribunal is on the lower side and deserves to be enhanced. Therefore, he prays that 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 respondent No.3-Insurance Company, however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by Ld. Tribunal, has rightly been granted to the appellant/claimant. 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 with their able assistance.

6. A perusal of the award reveals that the findings recorded by the learned Tribunal with regard to the occurrence of the accident, negligence of the offending vehicle, and liability of the respondents is not in question before this Court and are accordingly upheld. The learned Tribunal has rightly appreciated the evidence available on record while assessing the compensation payable to the claimant.

7. However, this Court is of the considered view that the amount of compensation awarded by the learned Tribunal is on the lower side. The claimant had suffered damage to his shops and also remained deprived of his source of livelihood for a considerable period. Though the learned Tribunal has granted compensation towards reconstruction expenses and loss of income, yet the

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overall compensation awarded does not appear to be just, fair and adequate keeping in view the facts and circumstances of the case.

8. Accordingly, in the interest of justice and in order to secure the ends of justice, the compensation awarded by the learned Tribunal is enhanced by a further **lump-sum** amount of **Rs.1,00,000/- (Rupees One Lakh only)** over and above the amount already awarded by the learned Tribunal.

9. In view of the above, the present appeal is allowed.

10. 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 amount from the date of filing of claim petition till the date of its realization.

11. The respondent No.3-Insurance Company 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 appellant-claimant is directed to furnish his bank account details to the Insurance Company/Tribunal.

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

(SUDEEPTI SHARMA)
JUDGE

15.05.2026

Ayub/Sahil

Whether speaking/non-speaking : Speaking
Whether reportable : Yes