

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**FIRST APPEAL No. 2759 of 1993****For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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NEW INDIA ASSURANCE CO LTD - Appellant(s)**Versus****INAYAT HUSSEN ABDUL REHMAN & 2 - Defendant(s)**

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Appearance :

MR RR MARSHALL for Appellant(s) : 1,

MR BG PATEL for Defendant(s) : 1, 3,

None for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**Date : 31/07/2006****ORAL JUDGMENT**

1. By way of this appeal the appellant has challenged the judgement and award dated 14.09.1992 passed by the Motor Accident Claims Tribunal, Valsad at Navsari in M.A.C. Petition No. 406 of 1984 whereby Tribunal directed the original opponent Nos. 1, 2 and 3 to pay jointly and severally Rs. 54,930/- to the original applicant by way of compensation.

2. The short facts of the case are that on 10/08/1984 an accident occurred in a collision between tanker and

truck on Bombay Bharuch Highway. Therefore the original applicant had filed a claim petition No. 406 of 1994 and after hearing the Tribunal has awarded a sum of Rs. 72,000/- by way of compensation. The Insurance Company has already paid an amount of Rs. 38,000/- to the claimant for damage to the vehicle.

3. Learned advocate for the appellant has submitted that the Tribunal ought to have appreciated the fact that the claimant had already received Rs. 38,000/- for damage caused to the vehicle and could not be given the same amount again. The idea of compensation is to place the person in the same position that he was prior to the accident and not to permit him to make double benefit.

4. On perusal of the documents placed on record it appears that the Tribunal has come to the conclusion that the original applicant suffered damages because his truck was badly damaged because of collusion and he claimed the petition and the Insurance Company has already paid an amount satisfying the tortious liability of original opponent Nos. 1, 2 and 3. No ground is made out to point out that the finding of the Tribunal is in any way erroneous. I am in complete agreement with the reasonings adopted and the findings arrived at by the

trial court.

5. In the premises aforesaid appeal is dismissed. No order as to costs.

(K.S.JHAVERI, J.)

Suresh*