

2026:PHHC:090374



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

FAO-4599-2002

Date of Decision: 06.07.2026

ROHTASH

...Appellant

Versus

RAJBIR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Maneet Kaushik, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

The present appeal has been preferred by appellant/claimant/owner of vehicle bearing No.HR-11-PA-0129 challenging award dated 22.05.2002 passed by learned Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'Tribunal') whereby compensation of Rs.6,000/- was awarded to appellant/claimant on account of damage to his vehicle in motor vehicular accident dated 02.02.1998.

2. The facts of the case are that on 02.02.1998 Nirmla Devi along with other persons including Chander Bhan was travelling in the vehicle which was owned by appellant/claimant and driven by Krishan. That when vehicle of appellant/claimant had reached near village Shahapur Poultry Farm, Gohana Road, Panipat, a TATA-407 bearing No.HR-31-GA-0168 came from Gohana side being driven in rash and negligent manner by respondent No.1 and had hit the vehicle of appellant/claimant. It was the case of appellant/claimant that on account of said accident his three-wheeler

had suffered extensive damage which was got repaired after incurring Rs.31,200/- and accordingly, appellant/claimant had sought compensation of said amount.

3. Since in the present case manner of accident is not in dispute, therefore, for the sake of brevity detailed manner of accident is not being adverted to.

4. In order to prove damage to the vehicle, appellant/claimant himself appeared as PW7 and claimed that he had spent Rs.31,200/- for getting the vehicle repaired. In order to corroborate oral assertions, appellant/claimant had further examined Dalbir Singh-Mechanic as PW8 who had duly produced bills Ex.P4 and P5 claiming that three-wheeler was repaired by him for the damage suffered by it in the accident and bills Ex.P4 and P5 were raised by him. However, evidence of PW7 and PW8 has not been relied upon by learned Tribunal and has been rejected on the ground that since insurance company has not made any survey and has not taken photographs, therefore, bills cannot be accepted in the absence of **three** quotations and photographs of three-wheeler and accordingly, compensation of Rs.6,000/- only was awarded to the appellant/claimant.

5. On consideration, I find quantum of compensation awarded by learned Tribunal to be erroneous. In a motor accident claim case, the standard of proof is preponderance of probability and the evidence of appellant/claimant as well as respondents has to be taken into consideration on the said standard. In the present case, appellant/claimant himself had appeared as PW7 and has duly examined PW8 Dalbir Singh-mechanic who had repaired the vehicle. PW8 not only has supported the case of appellant/claimant but has duly proved bills Ex.P4 and P5 on record.

Respondents have not led any evidence to counter the evidence of PW8 and same has gone un rebutted, therefore, learned Tribunal ought to have accepted the same. There was no necessity for a private person to seek three quotations, he can get vehicle repaired from agency of his choice. A private person can choose any person to get his vehicle repaired in which he has got confidence that his vehicle would be repaired in a proper manner. It was for respondents to show that bills Ex.P4 and P5 were excessive in nature and were not corresponding to the damage suffered by the vehicle owned by appellant/claimant, however, no evidence in this regard has been adduced by respondents. Therefore, the un rebutted and trustworthy evidence of PW8 if appreciated on the standard of proof of preponderance and probabilities, it ought to have been accepted by learned Tribunal.

6. Accordingly, appeal is allowed. Appellant/claimant is entitled to compensation of Rs.31,200/- on account of damage suffered by his vehicle along with 7.5% interest from the date of filing of claim petition till realization on enhanced compensation. Liability to pay compensation shall be as per award.

7. Pending application(s), if any, is/are disposed of accordingly.

06.07.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No