

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGRH

CR No. 2452 of 1993 (O&M)

Date of decision: 07.01.2015

Maha Singh

...Petitioner

V/s.

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. D.R. Bansal, Advocate for the petitioner.

G.S. SANDHAWALIA, J. (Oral).

The present revision petition is directed against the award dated 24.12.1992 of MACT, Ambala whereby the Tribunal has declined to grant compensation on account of damage to the scooter which was owned by the present petitioner. The judgment goes on to show that son of the petitioner Shailendra Singh was driving the scooter when he met with an accident and suffered injuries. The Tribunal awarded a sum of Rs.25,000/- as compensation on account of fractures on his person. FAO No. 666 of 1993 was preferred by said injured person and the amount was enhanced to Rs.50,000/- along with interest of 9% per annum on the enhanced amount from the date of award till its realization vide order dated 05.07.2006.

Under issue No. 2 wherein the compensation part on account of damage caused to the scooter No. HR-00-0023, the claim of the owner was rejected on the ground that the petitioner himself did not state that he got the scooter repaired and the scooter was got repaired by his son Shailendra Singh. It is also noticed that Shailendra

Singh has not mentioned anywhere in his statement as to how much amount was spent to repair the scooter. Relevant part is as under: -

“As far as issue No. 2-A is concerned, Maha Singh petitioner appearing as PW 2 conceded in the course of cross-examination that he did not get the scooter repaired and that the scooter was got repaired by his son Shailender Singh. As far as aforesaid Shailender Singh is concerned, there is not even a word in his statement to that effect. The petitioner Maha Singh, is thus, not entitled to any amount of compensation for damage caused to the scooter.”

Thus, in such circumstances once nothing has come on record regarding the amount spent on account of damage to the scooter in the accident and in the absence of any evidence regarding the amount spent for repairing the scooter, the award passed by the MACT whereby the claim was rejected and findings returned on issue No. 2 are not liable to be interfered with.

Accordingly, present revision petition is dismissed.

January 07, 2015

Divyanshi

(G.S. SANDHAWALIA)

JUDGE