

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

FAO No.3419 of 2007

Date of decision: 5th February, 2015

Union of India

... Appellant

Versus

Hans Raj Verma and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rajiv Sharma, Advocate
for the appellant.

Mr. Pardeep Goyal, Advocate – Standing Counsel
for respondent No.3.

None for the remaining respondents.

FATEH DEEP SINGH, J.

Present appellant Union of India earlier filed a claim petition seeking compensation for damages to a vehicle belonging to the Border Security Force bearing registration No.PB-08-AF-8413 make Gypsy due to the fault of another vehicle make Maruti Car bearing No.DL-1C-3296. The learned Tribunal considering the evidence and the overall aspect of the matter has awarded a sum of ₹20,000 by way of damages to this vehicle and which has been the subject matter of assailment before this Court.

Heard Mr. Rajiv Sharma, Advocate for the appellant and Mr. Pardeep Goyal, Advocate for the insurer/respondent No.3.

Not much is available for better appreciation of the things due to destruction of record in fire. However, it is in no manner challenged as to the findings on issue No.1 which has held respondent Vijay Kumar guilty of rash and negligent driving of his offending car which led to this accident. The semblance of evidence comprises of CW1 R.C. Rajput, Deputy Commandant M.T., Ferozepur with bills Ex.C1 to Ex.C7 and payment of these bills by vouchers Ex.C8 to Ex.C11 and which is the sole evidence to prove damage that has occurred to the official vehicle.

It needs to be kept in mind as has been contended on behalf of the respondent/insurer by Mr. Pardeep Goyal, Advocate that nothing has come on the record to show model of the Gypsy which would have been a good indicator to enable the Court to look at the depreciation and the value of the vehicle at the time of the accident and which could not be controverted on behalf of the appellant by Mr.Rajiv Sharma, Advocate.

Under the Rules, certain life has been assigned to each vehicle and which is conceded too on behalf of the appellant and since the onus as to the quantum of compensation framed by way of issue No.2 lay upon the claimants and they ought to have established it to the hilt to the satisfaction of the Court which they have failed to do so. Besides, neither any proof of rough repair estimation, purchase and change of spares much less any mechanical engineer's report of the

likely damage and likely cost to be incurred on the repair of the vehicle in question is there. The learned Tribunal has taken cognizance of the fact that the claimants have not produced on the record original bills so relied upon by them and it has been observed that the total expenses so claimed to the tune of ₹64,660.61 is highly excessive and though the learned Tribunal too has not given the reasoning for quantifying the damages to the tune of ₹20,000 but initial failure of the claimants to prove their stand certainly is to their detriment. Not much has come on the record to show the initial damage and cogently the expenses incurred on the repair of the vehicle and thus, in view of the lack of evidence led by the claimants impels this Court to hold that nothing can be found fault with the impugned Award.

Thus, the appeal being hopelessly without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 5, 2015
rps