

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

FAO No.1767 of 2001

Date of decision : 01.09.2016

Parghat Singh

.....Appellant

Versus

Rabinder Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Yogesh Saini, Advocate for
Mr. Pritam Saini, Advocate for appellant.

Mr. Veneet Soni, Advocate for respondents No.1 & 2.

Mr. Neeraj Khanna, Advocate for
Mr. Sukhdarshan Singh, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 06.11.2000 passed by the learned Motor Accidents Claims Tribunal, Patiala (hereinafter called the “Tribunal”) vide which the claim petition filed by the appellant-claimant for grant of compensation on account of damages caused to his scooter bearing registration No.PB-52-3406 in the motor vehicular accident which took place on 23.05.1997 has been dismissed.

2. The present appeal has been preferred by the appellant-claimant assailing the dismissal of the claim petition.

3. I have heard learned counsel for the parties and have gone through the paper-book carefully.

4. Learned counsel for the appellant contended that the learned

Tribunal has illegally dismissed the claim petition filed by the appellant for grant of compensation on account of the damage caused to his scooter. He contended that the damage to the scooter was proved from the statement made by claimant AW-1 Parghat Singh and AW-2 Harnek Singh.

5. On the other hand, learned counsel for the respondents contended that there was no evidence on record to establish that any damage was caused to the scooter in question. In the absence of that evidence, the claimant was not entitled for any amount of compensation and his claim petition has been rightly dismissed by the learned Tribunal.

6. I have duly considered the aforesaid contentions.

7. It is settled principle of law that in order to claim the compensation on account of damage caused to a vehicle, the claimant has to establish the actual cause of accident, the extent of damage caused to the vehicle and the expenses incurred by him to get the vehicle repaired. But in the instant case, except the oral evidence adduced by the claimant, no other evidence has been adduced by the claimant to establish as to what damage was caused to his scooter and what amount he has to spend for getting the same repaired. Admittedly in the present case the claimant has not examined any surveyor to prove the damage caused to his scooter. He has also not examined any mechanic to prove the extent of damage and expenses incurred by him to get his scooter repaired. He has also not placed on file the bills for the purchase of the spare parts. It is settled principle of law that the Tribunal has to base its findings on the basis of the evidence adduced before it. The documents/statements recorded in the criminal case cannot be

considered to be the substantial evidence.

8. Thus, the appellant-claimant has not been able to establish as to what was actual damage caused to his scooter and how much amount he spent for getting the same repaired. So, I do not find any illegality in dismissal of the claim petition filed by the claimant by the learned Tribunal.

9. Consequently, the impugned award does not call for any interference.

10. Thus, keeping in view my aforesaid discussion, the present appeal has no merits and the same is hereby dismissed.

01.09.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No