

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

**FAO-2367-2008 (O&M)
Date of decision: 15.03.2016**

Krishan

...Appellant

Versus

Surinder @ Baba and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Kotla, Advocate for the appellant.

Dr. Naresh Kaushik, Advocate for respondent No.1.

Mr. Rahul Jaswal, Advocate for respondent No.2

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JITENDRA CHAUHAN, J.

This is claimant's appeal directed against the impugned award dated 15.04.2008, passed by the learned Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal').

The learned counsel for the appellants contends that Mahindra jeep of the appellant, was damaged in the accident, which was caused due to the rash and negligent driving of the driver of TATA canter. The learned Tribunal has wrongly erred in holding that the appellant has not able to prove the amount of damage despite the spot survey report along with surveyor with regard to loss were placed on record. Therefore, the order passed by the learned Tribunal is liable to be set aside.

On the other hand, the learned counsel for respondents have vehemently opposed the appeal and submit that the learned Tribunal has rightly declined the claim of the appellant as at the time of accident respondent No.1 was not driving the said vehicle and has been falsely implicated in the present case. The allegations of rash and negligence are also denied.

I have heard the learned counsel for the parties and perused the record.

From the perusal of the record on file, it emerges that despite repeated reminders or opportunities, the appellant did not turn up to submit the estimate of repairs of the damaged vehicle. Thereafter, the Insurance Company issued no claim letter Ex.P5 to the appellant. The appellant also filed a case in Consumer Court, District Panipat, however, the same was withdrawn by him vide order Ex.R6. In fact the appellant has not placed on record any cogent evidence which depicts the expenses incurred by the appellant for repairing his vehicle. Therefore, this Court feels that there is no scope for any interference in the judgment passed by the learned Tribunal.

Accordingly, this appeal is dismissed.

15.03.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**