

232.

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

FAO No.1013 of 2015 (O&M)

Date of decision:16.05.2016

Sumit Shetiya

... Appellant

versus

Dalinder Pal Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Abhimanyu Singh, Advocate,
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. There is no merit in the appeal where the appellant states that by virtue of the damage to the car, he could not use it for more than a month and the value of the car itself would have been depreciated by virtue of the damage in the accident. The Tribunal can assess only the actual damages incurred under the scheme of the Motor Vehicles Act and any consequential damage by non-user of the vehicle or anything that may have happened that could impact the recent value of the vehicle could be pursued only through a civil suit for damages as a tort action and not under Section 165 of the Motor Vehicles Act.

2. Section 165 contemplates action for accidents for death or bodily injuries to person or for damages to any property. The word “damages to any property” cannot include damages resulting in business or inconvenience caused by non-user of property during the time when the property (the motor vehicle in this case) was in garage for repairs. They would intake the character of 'consequential pecuniary loss' in relation to torts concerning property. The High Court of Madras (in **T.T.C. Versus C.K. Syed Yacoob-2000-1 Mad LW 267**); Madhya Pradesh (**Shanti Lal Chhitarji Soni Versus M.P. Rajya Parivahan Nigam-Manu/MP/0322/1990**); Andhra Pradesh (**Konala Maniyya Versus K.Sambasiva Rao-Manu/AP/0844/1999**); Himachal Pradesh (**United India Insurance Company Versus Tarsem Chand-Manu/HP/1849/2012**); Bombay (**Sube Transport Company Versus Phiroze Sethare Pvt. Ltd.-Manu/MH/0958/1992**) have all held that such consequential loss due to damage to property cannot be claimed in MACT and could be pursued only through a regular suit. I am in respectful agreement with the view.

3. The appeal is dismissed.

(K.KANNAN)
JUDGE

16.05.2016

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