

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

FAO No. 1307 of 2013 (O&M)

Date of decision: 07.02.2017

Mange Ram

... Appellant

versus

Baldev Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. J.P. Sharma, Advocate for the appellant.

None for the respondents.

HARI PAL VERMA, J. (ORAL)

CM No. 7776-CII-2013

For the reasons mentioned in the application, duly supported by an affidavit, delay of 206 days in filing the appeal is condoned.

CM stands disposed of.

FAO No. 1307 of 2013

The appellant-claimant has filed this appeal against the award dated 01.05.2012 passed the Motor Accident Claims Tribunal, Karnal (in short 'MACT'), whereby he has not been awarded any compensation for the damage of the motorcycle involved in the case.

Learned counsel for the appellant has argued that the deceased along with one Dinesh had come on a motorcycle bearing registration No. HR-06-M-8915 from Nidana being driven by Pardeep Kumar as Dinesh was to be dropped at Taroari. At about 1.00 am on the said night, brother of the deceased Pardeep Kumar got information that his brother Pardeep Kumar has

met with an accident near grain market, Taroari on the Lilani Road near the culvert and he is lying there. On receipt of the said information brother of Pardeep Kumar reached the spot and found that he has been struck by a truck bearing registration No. HR-69A-1875 driven in rash and negligent manner. Not only the Pardeep Kumar had died in the accident rather the motorcycle involved in the accident was also damaged. Counsel for the appellant has argued that since the vehicle in question was totally damaged, compensation is required to be awarded. He has further argued that mechanical report Ex.P3 is already on record which has not been considered by the Tribunal.

Heard counsel for the appellant.

A bare perusal of the award passed by the Tribunal shows that the appellant-claimant did not get his motorcycle surveyed from any Surveyor. So far as the mechanic report Ex.P3 is concerned, the same was not proved in accordance with law. The claimant has failed to examine the mechanic who had examined the motorcycle. Once the claimant had failed to prove the damage of the motorcycle, this Court find that there is no illegality in the award passed by the Tribunal.

Accordingly, the present appeal is dismissed.

(HARI PAL VERMA)
JUDGE

07.02.2017

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Whether speaking/non-speaking: Yes/No

Whether reportable : Yes/No