

In the High Court of Punjab and Haryana at Chandigarh

**FAO- 2692 of 2016(O&M)
Date of Decision: 17.1.2018**

Narayan Dass Ahuja

---Appellant

versus

Lakhbeer Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. N.K.Malhotra, Advocate
for the appellant**

Rekha Mittal, J.

C.M.No. 9917-CII of 2016

Prayer in this application is for condoning delay of 17 days in filing the appeal.

In view of averments made in the application and arguments advanced by counsel for the applicant, application is allowed and delay of 17 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No. 2692 of 2016

The present appeal has been directed against award dated 22.12.2015 passed by the Motor Accidents Claims Tribunal, Rohtak (in short "the Tribunal") whereby application for grant of compensation qua damage to Tanker No. HR-46A-5667 owned by the appellant/claimant has been dismissed.

The sole submission made by counsel is that application for

compensation filed by owner of the alleged offending vehicle i.e. Canter No. CH-04L-9689 has been allowed by the Tribunal at Chandigarh, therefore, factum of accident in question between the two vehicles stands proved in view of findings recorded by the Tribunal at Chandigarh. It is further submitted that if findings of the Tribunal in the instant case regarding involvement of vehicle in the accident are set aside, appellant becomes entitled to get compensation.

I have heard counsel for the appellant, perused the paper book particularly the award.

The present appeal was preferred by the appellant in May 2016 and has been adjourned on number of occasions. On 17.7.2017, order passed by this Court reads as follows:-

“Counsel for the appellant submits that the claim petition filed by PW-2 Jagdish, driver of the trolly, with which accident had taken place of the truck of the appellant, has been allowed by the Motor Accidents Claims Tribunal, Chandigarh. He prays for some time to file an appropriate application for producing additional evidence proving that the accident had actually taken place on 13.10.2014.

Adjourned to 17.8.2017.”

Subsequent thereto, the appeal was adjourned four times to enable the appellant to file an application for producing additional evidence to prove that the accident had actually taken place on 13.10.2014. Despite expiry of six months, appellant did not come forward to file an application much less produce on record an award purported to be passed by the

Tribunal at Chandigarh. That being so, contention of the appellant that the Tribunal at Chandigarh had passed an award in favour of owner of the alleged offending vehicle qua damage thereto in the accident in question cannot be accepted. This apart, even if plea of the appellant is accepted that there was an accident in which the vehicle in question and the alleged offending vehicle were involved, the Tribunal in para 15 of the award has noticed that no report of qualified expert has been produced and no photographs has been filed to show the extent of damage to the vehicle. Counsel for the appellant, in response to a query, has fairly informed that the claimant had not adduced any evidence to prove the extent of damage to the vehicle. Analyzed from any angle, challenge to the award passed by the Tribunal is not tenable and liable to be rejected.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

17.1.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No