

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

FAO-514-1991 (O&M)

Date of decision : 13.8.2019

Pawan Kumar

.....Appellant.

Versus

Gurmeet Singh and others

..... Respondents.

ORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- None for the parties.

KULDIP SINGH, J (ORAL)

This is an appeal filed against the award dated 20.2.1991 passed by Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal') vide which compensation to the tune of Rs. 10,000/- was awarded to the claimant on account of damage to the truck.

In the absence of the appearance of the counsel for the parties, I have gone through the case of both the parties and perused the file

As per the averments made in the claim petition, in the intervening night of 14/15.1.1988, a truck bearing registration number HRA-7783 belonging to the claimant-appellant hit by another truck bearing registration number CHW 5041, being driven by respondent No. 1 which came from the opposite side in rash and negligent manner. According to the claimant-appellant, Ashok Kumar, Automobile Engineer, gave his detailed report regarding the damage caused to the claimant's truck to the tune of Rs. 41284/- Claimant-appellant also claimed Rs. 590/- as survey fee and

Rs. 10,000/- as loss of earning for 2½ months which time was consumed in the repair of the truck. Claimant-appellant, therefore, claimed Rs. 52,000/- as compensation.

The Tribunal while assessing the compensation took into consideration the said report of the surveyor i.e. Annexur P-1 and was of the view that the said surveyor report i.e. Annexure P-1 and Annexures P-7 to P-10 are only the estimates for replacement etc., i.e. Rs. 45178/-; Rs. 10,940/- and Rs. 35,000/- respectively. These estimates cannot be taken to be the actual amount spent. The Tribunal also came to the conclusion that the actual bill of the repair has been withheld for which an adverse inference has been drawn against the appellant.

I am of the view that the Tribunal has rightly observed that the original bills have been withheld for which an adverse inference has been drawn. Estimates are one thing. For replacement, it is not known whether the parts were actually replaced or got repaired.

Therefore, I do not find any illegality or infirmity in the order dated 20.2.1991 passed by the Tribunal.

Dismissed.

(KULDIP SINGH)
JUDGE

13.8.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No