

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

**FAO No.462 of 2016 (O&M)
Date of decision: 11.07.2019**

Sarabjit Singh

....Appellant

Versus

Sh. Sheesh Pal and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jaideep Verma, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

This appeal has been filed against the Award dated 28.08.2015 passed by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal') dismissing the claim petition filed by the claimant-appellant, whereby he had sought compensation on account of loss suffered by him for the damage of his Duster Car No.PB-03-AF (Temp) 2813 on the ground that on 02.11.2014, at about 1.00 P.M., he (claimant) along with his sister Pawandeep Kaur and her friend Harpreet Kaur were travelling in the said car. When they crossed Phillaur City and approached near village Bakkapur, in the meantime, a Bolero car bearing No. PB-08-BD-2439 being driven by respondent No.1 in a rash and negligent manner, came from the wrong side and struck against the car, as a result of which, claimant suffered cervical injury. Pawanpreet Kaur and Harpreet Kaur also suffered injuries. Car of the claimant suffered major damage to its front portion. With regard to the accident, DDR No.20 dated 08.11.2014 was

IPC was registered at Police Station, Phillaur. Section 427 IPC was added in the FIR at a later stage. Consequently, claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, claim petition was dismissed by the Tribunal.

While dismissing the petition, Tribunal has observed that claimant himself admitted that his Duster car had struck against the car of respondent No.1. He had seen the car from a distance of 20 yards. There was no report of surveyor. No bill was placed on record by the claimant to the effect that he had spent any amount for getting his vehicle repaired.

After hearing learned counsel for the appellant and going through the impugned award, it is apparent that claimant has failed to lead any substantial evidence to prove his case. In the absence of any evidence with regard to payment made by the claimant for repairing his car, it has become doubtful that he has actually spent any amount in this regard. In these circumstances, this Court is of the view that the Tribunal has rightly dismissed the claim petition after appreciating evidence in the right perspective. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

11.07.2019
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No