

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



FAO-646-2001 (O&M)
DATE OF DECISION : 15.09.2025

SUKHJIT SINGH

... APPELLANT

V/S

SHAM LAL AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. G.S.Jaswal, Advocate for the appellant.

Mr. D.P.Gupta, Advocate for
respondent No.2-Insurance Company.

Mr. H.K.Aurora, Advocate for respondent No.3.

* * *

PARMOD GOYAL, J. (ORAL)

Appellant has challenged the award dated 20.09.2000 passed by the learned Motor Accidents Claims Tribunal, Hoshiarpur (hereinafter referred as 'Tribunal'). Claimant-respondent No.1 Sham Lal had preferred the claim petition seeking compensation for loss suffered by him on account of damages to his vehicle.

2. It was asserted that on 04.11.1995 Maruti van bearing registration no. DL-2CC-6589 belonging to the claimant Sham Lal and being driven by Suresh Kumar along with other occupants was on road. At about 7.15 P.M. when it reached the area of petrol pump Nasrula, a Matador bearing registration no. GJ-IV-2809 being driven by respondent No.2 came from behind in a rash and negligent manner and struck in the maruti van of the claimant resulting into injuries to occupants, driver of Suresh Kumar succumbed to injuries and the Maruti Van was damaged. It was asserted that

on account of rash and negligent driving of respondent no.2, maruti van remained in workshop for three months and on this account, claimant had suffered loss of Rs.30,000/- resulting from loss of utility and depreciation of vehicle. Claimant has further asserted to have spent Rs.47,740/- for repair of van and accordingly, sought compensation of Rs. 1 Lakh.

3. On notice, respondent Nos.1 and 2 denied their liability as well as accident whereas respondent No.3 pleaded limited liability under Section 147 and asserted that its liability towards 3rd party on account of damage to property is restricted to Rs.6,000/-. Learned Tribunal after considering respective contentions of parties concluded that claimant has failed to prove loss on account of non-utilisation of vehicle and depreciation but had granted Rs.47,700/- towards repair expenses incurred by claimant on the repair of vehicle vide Ex.A4 to Ex.A7.

4. Learned counsel for the appellant has challenged the award of learned Tribunal on the ground that claimant has failed to prove involvement of vehicle owned by respondent No.1 in the accident dated 04.11.1995.

5. Learned Tribunal after considering evidence of eye witness Tarsem Lal who appeared as AW5 and also in view of findings of learned Tribunal in claim petitions preferred by Smt. Rachna and others against respondents Sukhjit and another for grant of compensation (in respect of same accident dated 04.11.1995 in which claimants had sought compensation for death of driver of Van namely Suresh Kumar wherein also it was respondent No.2 who was found liable for causing the accident), concluded accident to be result of rash and negligent driving of driver of Matador i.e. respondent No. 2. Learned Tribunal concluded involvement of vehicle owned by respondent No. 2 and concluded that accident dated

04.11.1995 was result of rash and negligent driving on the part of respondent No.2. The finding recorded by learned Tribunal is based upon evidence of eye-witness Tarsem Lal. Nothing could be shown by learned counsel for the appellant as to doubt evidence of eye-witness Tarsem Lal. Admittedly, no evidence was led by respondent to show that Matador was either not involved in the accident or was not rash and negligent as being argued by learned counsel for the appellant.

6. In these circumstances, I do not find any error in the findings of learned Tribunal on issue no.1. Issue no. 1 is accordingly, affirmed.

7. Learned counsel for the appellant-owner/driver has also argued that grant of compensation of Rs.47,700/- by learned Tribunal on account of repair cost to the claimant is highly excessive and is not based on evidence.

8. Learned counsel for the appellant has referred to the cross-examination of claimant and has argued that claimant himself has stated in cross-examination that he can produce repair bills, etc. but had not placed them on record. However, perusal of award clearly shows that repair bills were subsequently placed on record as Ex.A4 to Ex.A7 and no objection regarding their exhibition was taken by respondents-appellants at any stage. Learned Tribunal after considering Ex.A4 to Ex.A7 i.e. repair bills had concluded total expenses incurred by claimants under this head to be Rs.47,700/.

9. I do not find any error in the findings of learned Tribunal. The findings of learned Tribunal are based upon evidence on record i.e. bills Ex.A4 to Ex.A7. Nothing can be shown to doubt the authenticity of the bills. Accordingly, present appeal is dismissed without there being any merit. Learned counsel for the appellant has informed that the amount stands

deposited with the learned MACT. Let the said amount be paid to the claimant in view of dismissal of present appeal.

15.09.2025

Janki

(PARMOD GOYAL)
JUDGE

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