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

FAO-4041-2011

Date of Order:-01.04.2025

Abhinav Guleria

...Appellant

Versus

Kuljit Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Ashok Giri, Advocate
for the appellant.

Mr. Deepak Suri, Advocate
for respondent No.3 – insurance company.

SUVIR SEHGAL, J.(ORAL)

1. Instant appeal has been filed under section 173 of the Motor Vehicles Act, 1988 (for brevity “MV Act”) by the claimant- Abhinav Guleria, brother of deceased, Utsav Guleria, assailing award dated 03.02.2011, whereby a petition preferred by him for grant of compensation on account of damage to the motorcycle in a vehicular accident, has been dismissed.

2. Facts, in brief, leading to the filing of the appeal are that on 05.11.2008, Utsav Guleria was travelling on a motorcycle to



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Chandigarh College of Hospitality, where he was pursuing BHMCT course. A truck bearing registration no. PB-12-A-2336 which was being carelessly driven by Kuljit Singh- respondent No.1, came from the opposite side at a high speed and collided with the motorcycle. As a result of the impact, Utsav Guleria fell on the road and sustained multiple injuries. He was taken to the Civil Hospital Kharar from where he was referred to PGI Chandigarh and he succumbed to injuries on the same day. An FIR No.378 dated 05.11.2008 (Ex.P1) was lodged under section 279, 304-A IPC at Police Station kharar Distt. SAS Nagar, Mohali. Appellant filed a petition under MV Act for grant of compensation on account of damage to the motorcycle, which has been dismissed by the MACT, Rupnagar vide impugned award.

3. I have heard counsel for the parties and have considered their respective submissions.

4. Appellant had examined himself as PW1. He placed on record a xerox copy of repair bill Ex.P2. Neither, he was able to produce the original bill regarding repair nor has he examined any employee of the garage from where motorcycle was repaired. The authenticity of the bill, Ex.P2, therefore, has not been established. Tribunal has rightly addressed the issues and dismissed the claim of appellant. There is no error or infirmity in the findings recorded by the Tribunal, which are affirmed.

5. Being devoid of merit, appeal is dismissed with no order as to costs.



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6. As the appeal has been decided, pending application(s), if any, is/are disposed off.

(SUVIR SEHGAL)
JUDGE

01.04.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No