



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

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FAO-244-2017 (O&M)

Date of Decision : 27.01.2025

PARVEEN KUMAR MITTAL

.... Appellant

VERSUS

TANUJ KATYAL AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ekta Thakur, Advocate and
Ms. Shikha, Advocate for the appellants.

ALKA SARIN, J. (ORAL)

1. The present appeal has been filed challenging the award dated 06.02.2016 passed by the Motor Accidents Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') whereby the claim petition filed by the claimant-appellant under Section 166 of the Motor Vehicles Act, 1988 was dismissed.

2. Brief facts relevant to the present *lis* are that a claim petition was filed by the claimant-appellant under Section 166 of the Motor Vehicles Act claiming damages to the vehicle TATA Indica Car bearing registration No.HR-08-F-9402. It was averred in the claim petition that on 15.02.2015 one Babu Ram, general power of attorney of the claimant-appellant, was driving the Tata Indica Car bearing No.HR-08-F-9402 and was going from Zirakpur to Sector-32, Chandigarh. At about 7:20 pm when he reached near small chowk on the dividing road of Sectors-32/33, Chandigarh the respondent No.1 - Tanuj Katyal - came in his Car Mohindra Verito bearing

registration No.CH-02-AA-3234 from Sector-45, Chandigarh at a very high speed and in a rash and negligent manner and hit the car of the claimant-appellant causing a loss of ₹2,00,000 (rupees two lakh). The Tribunal dismissed the claim petition vide impugned award dated 06.02.2016. Hence, the present first appeal against the order by the claimant-appellant.

3. Learned counsel for the claimant-appellant would contend that though rough estimate was placed on the record as Ex.C-2 for ₹96,350, however, the claim petition was dismissed by the Tribunal. It is further the contention that the accident stood proved and hence the claim petition ought to have been allowed.

4. Heard.

5. In the present case the accident is stated to have taken place in the year 2015. Before the Tribunal the only evidence led by the claimant-appellant was the rough estimate (Ex.C-2) given by one M/s Verma Motors, SCF-9, Sector-28/C, Chandigarh for an amount of ₹96,350. There is no other evidence on the record to even remotely suggest that any repairs were actually got done. The award by the Tribunal was passed on 06.02.2016 and the present appeal has been pending in this Court since 21.09.2016 in which notice of motion has not yet been issued as the matter was repeatedly adjourned on the request of the learned counsel for the claimant-appellant. There is absolutely no evidence on the record to remotely suggest that any repairs were got done at any point of time. Over a period of 10 years has gone by since the accident took place. No ground is made out to entertain the

present appeal. Even on the question of delay there is no explanation for the delay of 123 days in filing the present appeal.

6. In view of the above, I do not find any merit in the application for condonation of delay and in the present appeal as well. The application being CM-780-CII-2017 for condonation of delay and the main appeal stand dismissed. Pending applications, if any, also stand disposed off.

27.01.2025

Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No