



S. No.222

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

**FAO No.475 of 2002 (O&M)
Date of Decision:28.01.2026**

State of Haryana

.....Appellant

Vs.

Pyare Lal and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Parveen Kumar, DAG, Haryana
for the appellant.

Mr. Kapil Aggarwal, Advocate for
respondents No.1 to 3.

Mr. Nitin Gupta, Advocate for
respondent No.4.

Yashvir Singh Rathor, J. (Oral)

1. This appeal has been preferred against the Award dated 06.10.2001 passed in MACT Case No.14 of 1999 by Motor Accident Claims Tribunal, Narnaul in a petition under Section 166 of Motor Vehicles Act, 1988 dismissing the claim petition, in respect to damage caused to the vehicle bearing registration No.HR-35-0217 owned by claimant/ appellant.

2. The only issue required to be determined in the present appeal relates to assessment of compensation on account of damage caused to the vehicle owned by the appellant and, therefore, the entire facts of the case with regard to the manner of accident are not required to be reproduced here for the sake of brevity.

3. I have heard learned counsel for the parties and have perused the material placed on record.



3. Learned State Counsel has argued that the learned Tribunal has gravely erred in not granting any compensation to the appellant on account of damage caused to the government vehicle owned by the appellant in the accident in question which as per finding on Issue No.1 had taken place due to rash and negligent driving on the part of driver of the offending vehicle. Despite the finding on Issue No.1 having been returned in favour of claimant/ appellant and the fact that the vehicle had suffered huge loss and is not capable of being driven on the road, no amount of compensation has been awarded on the hyper-technical grounds. He has further argued that the finding on Issue No.1 is purely based on conjectures and surmises and the evidence on file has not been appreciated in the correct perspective while declining compensation to the appellant and he prayed that the finding on Issue No.2 be reversed and the compensation be awarded to the appellant.

4. On the other hand, learned counsel for respondent No.4 has argued that the claimant- appellant has failed to prove that any loss was suffered and the vehicle was damaged in the accident in question. No cogent and convincing evidence was led to establish the actual loss suffered by the vehicle in question. No mechanic was examined to prove the actual loss suffered and as to how much amount was required to be spent on its repairs and learned Tribunal thus rightly declined grant of compensation and he prayed that the finding on Issue No.2 does not suffer from any material illegality or infirmity and same be affirmed and the appeal in hand be dismissed.

5. As per version of claimant, Gypsy vehicle owned by the appellant had suffered damage in the accident in question to the extent of Rs.1,50,000/-. To prove the same, claimant had examined PW2- Raj Singh, SI who deposed that he



was posted as Line Officer in Police Lines, Narnaul. The government vehicle bearing No.HR-35-0217 was damaged in the accident and vehicle suffered loss worth Rs.1,50,000/- and now the said vehicle is unfit for use and is lying in the Police Lines. During cross-examination, he stated that he cannot tell as to which parts of the gypsy vehicle had been damaged in the accident and as such, his self serving and bald statement cannot be accepted as a gospel truth to come to the conclusion that the appellant had suffered loss to the extent of Rs.1,50,000/-.

5. Besides this, the claimant had tendered in evidence document Ex.PC, which is the estimate prepared by Shyam Auto Trade which is a Maruti Authorised Service Station, according to which a sum of Rs.1,65,739/- will have to be spent on the repair of the vehicle. This estimate has been issued by one Radha Kishan, employee or mechanic of said Sham Auto Trade. However, claimant has not examined said Radha Kishan in support of his case and to prove the report. The said report is not per se admissible and thus cannot be taken into consideration. It is well settled that mere exhibiting of a document in evidence does not dispense with its proof and no weight can thus be attached to the estimate Ex.PC prepared by Shyam Auto Trade. In addition to this, no mechanic has been examined to prove the actual loss suffered by the government vehicle in the present motor vehicle accident and as such, no cogent and convincing evidence has been led to establish the actual damage suffered by the vehicle and the amount required to be spent on its repairs. In these circumstances, learned Tribunal rightly came to the conclusion that petitioner has failed to prove the loss suffered by the claimant and claimant is thus not entitled to any compensation. Issue No.2 was accordingly decided against the claimant and there is no reason to take a contrary view and finding on Issue No.2 is accordingly affirmed.



6. As a result of aforesaid discussion, I am of the considered opinion that there is no merit in the appeal and same is accordingly ordered to be dismissed. No order as to costs.

(Yashvir Singh Rathor)
Judge

January 28, 2026
renu

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No