



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2832-2002

State of Haryana and others

. . . . Appellants

Vs.

Shri Ram Parshad and others

. . . . Respondents

Reserved on: 24.02.2026

Pronounced on: 25.02.2026

Pronounced Fully/Operative Part: Fully

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Gaurav Garg, AAG, Haryana, for the appellants.

DEEPAK GUPTA, J.

The present appeal has been preferred by the claimants assailing the award dated 05.03.2002 passed by the learned Motor Accident Claims Tribunal, Sonapat, whereby their claim petition under Section 166 of the Motor Vehicles Act, 1988 was dismissed.

2. The case set up by the appellants is that during the intervening night of 10/11 September 1998, Babu Ram, who was employed as a Beldar with PWD (B&R) and was deputed as Chowkidar at the 20th Mile Stone on G.T. Road, was supervising paver finishers and other road construction machinery stationed at the site. At about 2:00 AM, while he was sitting on one of the paver finishers, the said machine was allegedly hit by Trolly No. HR-38B-2869 driven by respondent No.1 in a rash and negligent manner, resulting in damage to the machine. The matter was reported to the police.

3. On the basis of the aforesaid occurrence, the appellants instituted a claim petition under Section 166 of the Motor Vehicles Act seeking compensation of ₹2,93,471/-, comprising ₹1,27,461/- towards estimated repair charges of the paver finisher, and ₹1,66,050/- towards alleged loss suffered due to non-utilisation of the machine for 450 hours calculated at ₹369/- per hour.

4. The respondents did not contest the proceedings before the Tribunal and were proceeded against ex parte.

5. Upon consideration of the material on record, the learned Tribunal recorded a finding that the accident had occurred due to rash and negligent driving of the offending Trolly. However, the claim petition was dismissed on the ground that the appellants failed to prove, through cogent and reliable evidence, the actual loss caused to the machine or the quantum of compensation claimed.

6. Learned State counsel has argued before this Court that an estimate of ₹1,27,461/- prepared by the manufacturer of the paver finisher, namely M/s Gujarat Apollo Equipment Ltd., Mehsana, was placed on record as Mark A and remained unrebutted. It is further contended that the appellants had also produced estimate Ex.P2 to establish the loss on account of non-utilisation of the machine and, therefore, the Tribunal erred in rejecting the claim.

7. After hearing learned counsel and perusing the record, this Court finds no merit in the submissions advanced.

8. Although the proceedings before the Motor Accident Claims Tribunal are summary in nature and strict rules of evidence are not required to be applied with technical rigidity, the claimant is nevertheless required to establish the factum of damage and the quantum of loss through credible material. Compensation cannot be awarded merely on the basis of unproved estimates or conjectural assertions.

9. In the present case, the repair estimate (Mark A) allegedly issued by the manufacturer has not been proved in accordance with law. No official or representative of the company who prepared the estimate was examined to depose regarding its preparation, correctness, or the basis thereof. A document merely marked, without formal proof, does not constitute substantive evidence and cannot form the basis for determination of compensation.

10. Furthermore, the appellants failed to produce any documentary material such as repair bills, payment vouchers, job cards, or departmental records demonstrating that the machine was actually repaired and that any expenditure was incurred. In the absence of proof of actual expenditure, the Tribunal was justified in declining compensation on the strength of a bare estimate.

11. Similarly, the claim relating to loss of ₹1,66,050/- on account of alleged non-utilisation of the machine remains wholly unsubstantiated. There is no evidence regarding the period during which the machine remained under repair, the date on which it was restored to working condition, or any utilisation records showing financial loss due to its alleged idling. The estimate Ex.P2, in the absence of supporting oral or documentary evidence, cannot be treated as proof of actual loss.

12. The fact that the respondents were proceeded ex parte does not absolve the claimants of their burden to establish the claim. The Tribunal is under a statutory obligation to award only such compensation as is proved to be just and legally sustainable.

13. In these circumstances, the finding recorded by the learned Tribunal that the appellants failed to prove the damage to the machine and the consequent loss cannot be said to suffer from any illegality or perversity warranting interference by this Court.

14. Consequently, finding no merit in the appeal, the same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

25.02.2026

Vivek

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>

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