



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

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**CM-10715-CII-2026 in/and  
FAO-4145-2022 (O&M)  
Date of decision: 25.05.2026**

**Sukhwinder Singh**

**...Appellant(s)**

**Vs.**

**Balram and others**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Amit Kumar Walia, Advocate  
the applicant/appellant.

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**NIDHI GUPTA, J.**

**CM-10715-CII-2026**

Prayer in this application under Order 41 Rule 19 CPC read with Section 151 CPC is for re-admission/restoration of the main appeal to its original number by recalling the order dated 28.04.2026.

2. Heard.

3. In view of the reasons mentioned in the application, the same is allowed; and the main appeal is ordered to be restored at its original number and position.

4. At the request of learned counsel for the applicant, the main appeal is taken up on Board today itself for disposal.

**FAO-4145-2022 (O&M)**



The present appeal has been filed by the claimant laying challenge to the Award dated 25.03.2022 passed by the learned MACT, Sangrur (hereinafter referred to as 'the Tribunal'), whereby Claim Petition No. 162/2016 filed by the appellant under Section 166 of the Motor Vehicles Act, 1988 (hereinafter 'the Act'), has been dismissed.

2. The appellant had filed above said Claim Petition seeking compensation for damage caused to the articles/property in the shop of the appellant, allegedly due to a motor vehicular accident that took place in the intervening night of 5.4.2019/6.4.2019 at 2:35 a.m.

3. The case as pleaded by the appellant in Claim Petition before the Tribunal as recorded in para 2 of the impugned Award is as follows:-

*"2. As averred by the claimant that the shops and house owned by Jarnail Singh father of claimant are situated on Malerkotla to Ludhiana Road at Market Bhogiwal, village Balewal, Tehsil Ahmedgarh, District Sangrur. The claimant is doing the business of fast food under the name of Lucky Fast Food and also doing the business of music system and mobile phones under the name of Noni D.J and telecom in the said shops. In the intervening night of 5/06.04.2019 at 2:35 the claimant went outside of the house to see the shops and when he was urinating in open place he heard a loud noise from Malerkotla side and when he saw on the road towards Malerkotla side, one trolly/truck (Multi Axle Trailer) came from the side of Malerkotla on a very high speed, being driven by respondent no.1 in a rash and negligent manner and after crossing the divider of the road and rammed into the shed made in front of four shops and electricity meter of Gurnam Singh son of Gurdit Singh. After breaking the wall of*



*fast food shop entered into the shop, where father of claimant was sleeping and damaged the adjoining mobile phone and DJ (music) system shops and house owned by father of claimant. Due to the impact of the accident, walls of the building developed cracks and roof of shop collapsed. Articles like display counter table, cooking range, 1200Lt. Fridge, 16 visitor chairs, 4 tables, one standing table, utensils, pizza machine, sandwich machine, microwave, mixer grinder, down ceiling. aluminum gate, computer table, glass self 8 pieces, one cupboard. ply board door, two counter table, flex board, wallpaper, standing board. revolving chair, office table, two display counter, one LED T.V. one TV 21", 7 old mobile phones, mobile phone spare parts, 4 plastic chairs, three Alfa beams, 6 light boards etc worth Rs.4 Lakhs were also damaged in the accident. Due to this claimant had to stop his business and he has suffered financial loss of Rs.3 Lakhs. Father of claimant also suffered multiple injuries on his body. It has been averred that driver of the truck/trolla ran away from the spot after leaving the truck. The father of the complainant was admitted in Gulzar Hospital, Malerkotla and after giving first aid his father was discharged from hospital. The father of the claimant was again admitted in Civil Hospital, Malerkotla by Lakhwinder Singh as he felt severe pain in his body. It has been averred that accident occurred due to rash and negligent driving of respondent no.1 while driving truck/trolla no.RJ-13GB-4394 on very high speed and damaged the shops, house and the articles mentioned above."*

4. The learned Tribunal, upon appraisal of the pleadings as well as oral and documentary evidence led before it, had concluded that



provision of Section 166 of the Act is not available for filing of claim for compensation on account of damage to property. Accordingly, Claim Petition came to be dismissed.

5. Learned counsel for the appellant assails impugned Award by submitting that appellant had produced voluminous documentary evidence in the form of his Income Tax Returns, and estimated cost of repair submitted by the Expert witness i.e. Surveyor, who had submitted his Report that in the accident in question, damage to the tune of Rs.2,68,000/- had been caused to the property of the appellant. Yet, learned Tribunal has dismissed claim of the appellant on the ground that appellant has been unable to prove that he is owner of the damaged property. It is contended that in holding as above, learned Tribunal has failed to appreciate that proceedings under the Act are summary in nature and mode of proof of damage is not as stringent as applicable to civil suit.

6. Furthermore, above said findings of learned Tribunal is contradictory *in-as-much* as on the one hand, learned Tribunal held that building and shops owned by the father of the claimant were damaged in the accident dated 06.04.2019 for which separate Claim Petition had been filed by Jarnail Singh-father of the appellant. However, in the present case, learned Tribunal has taken a contrary view without any basis. Bills produced by the appellant have been rejected on the ground that the same are kacha bills. But learned Tribunal has also ignored the photographs and witnesses produced by the appellant which showed



damage of the building and articles in the shop. It is submitted that from the evidence led by the appellant, it is proved without doubt that articles mentioned in the Claim Petition were completely damaged due to which appellant had suffered huge financial loss in the business which appellant had established from the oral and documentary evidence on record. As such, impugned Award deserves to be set aside.

7. No other argument is raised on behalf of learned counsel for the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

8. No doubt, appellant has proved the factum of the accident dated 06.04.2019, in respect of which FIR No. 36 dated 07.04.2019 was registered at Police Station Sadar Ahmedgarh, on the basis of statement made by the appellant. Appellant had produced documents Ex.C4 to Ex.C10 comprising of bills and receipts ostensibly to prove the values of the articles bought by the appellant which had now been damaged in the accident in question. However, the said documents were not proved by the appellant in accordance with law. Needless to say, mere production of documents is no proof of the same. Appellant has failed to examine the person(s) who issued the said alleged bills. Moreover, the said bills are kacha bills on which even no TIN No. has been mentioned. Thus, learned Tribunal was right in rejecting the said bills as the same could not have been relied upon.

9. Even the Income Tax Return for the year 2019-2020 Ex.C2 and computation of income Ex.C3 produced by the appellant are of no help to



him as the said Income Tax Returns have been submitted on 28.08.2019; which is subsequent to the accident dated 06.04.2019.

10. Even the photographs brought on record by the appellant as 'Mark A' cannot be relied upon. Although appellant had examined Photographer CW4 to prove the said photographs, however, the same is of no help to the appellant as the said photographs did not show any damaged articles in the shop. Perusal of the photographs show that no articles alleged to have been damaged, could be seen in the said photographs. Even the Report Ex.CW3/A given by CW3 Hanish Gupta, Architect/Surveyor and Valuer which gave details of estimated cost of repair of damaged building, could not help the appellant as the said Report is with regard to damage caused to the building. There is nothing mentioned in the Report that any article has been damaged in the said accident.

11. Furthermore, Jarnail Singh, father of the appellant had already filed Claim Petition bearing No. **MACP 161 of 2019** titled as **Jarnail Singh vs. Balram and others**, which had been allowed by the Tribunal vide Award dated 21.03.2022 in which damages for destruction of shop and house had already been granted to Jarnail Singh. Moreover, appellant had not led any evidence whatsoever to show that he was owner of the damaged articles.

12. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings.

13. In view of the above, the present Appeal stands **dismissed**.



14. Pending application(s) if any also stand(s) disposed of.

25.05.2026

Divyanshi

(NIDHI GUPTA)  
JUDGE

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