

FAO-4453-2008 (O&M)

2026-PHHC-017475



217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4453-2008 (O&M)

Decided on : 05.02.2026

Chhatarpal & anr.

....Appellants

Versus

Sumitra Devi

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Tushar Gera, Advocate
for the appellants.

None for the respondent.

PANKAJ JAIN, J. (ORAL)

1 The present appeal is directed against the award dated 10.03.2008 passed by the Motor Accident Claims Tribunal, Rohtak, whereby, on an application filed by the respondent under Section 166 of the Motor Vehicles Act, 1988 (for short, "the 1988 Act"), the appellants have been held liable to pay compensation to the respondent to the extent of a differential amount of ₹1.00 lakh.

2 Appellant No.1 happens to be the owner of tractor trolley bearing No.HR-17/0167. The same was parked by appellant No.2 in the middle of the road without any indicator. The car driven by husband of the respondent rammed into the stationed trolley. The car was damaged. Respondent proved expenditure of ₹2,64,071/- incurred by her on repair of the car. She was reimbursed an amount of Rs.1,61,800/- by her insurer. Tribunal held



appellants liable to pay the differential amount of ₹1.00 lakh on account of damage caused to the property of the respondent due to unlawful parking of trolley by appellant No.1.

3 Counsel for the appellants has assailed the findings recorded by the Tribunal asserting that the trolley when not attached to the tractor does not fall within the ambit of ‘motor vehicle’ as contemplated under the 1988 Act. He further submits that the respondent has not been able to prove expenditure of ₹2,64,071/- yet Tribunal merely relying upon the invoice held the appellants liable to pay amount of ₹1.00 lakh.

4 I have heard learned counsel for the appellants and have gone through the records of the case.

5 The ownership of the trolley is not in dispute. Evidently the trolley was parked in the middle of the road without any parking lights/indicator. Argument raised by the counsel for the appellants is without merit.

6 Section 2(46) of the 1988 Act reads as under :-

2(46) “trailer” means any vehicle, other than a semi-trailer and a side-car, drawn or intended to be drawn by a motor vehicle;

7 Section 2(28) of the 1988 Act defines motor vehicle as under :-

“2(28) “motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle



having less than four wheels fitted with engine capacity of not exceeding 1 [twenty-five cubic centimetres];”

8 The same issue cropped up before Supreme Court in ***M/s Natwar Parikh & Co. Ltd. v. State of Karnataka & ors. (2005) 7 SCC 364*** holding as under :-

*“Section 2(28) is a comprehensive definition of the words "motor vehicle". Although, a "trailer" is separately defined under section 2(46) to mean any vehicle drawn or intended to be drawn by motor vehicle, it is still included into the definition of the words "motor vehicle" under section 2(28). Similarly, the word "tractor" is defined in section 2(44) to mean a motor vehicle which is not itself constructed to carry any load. Therefore, the words "motor vehicle" have been defined in the comprehensive sense by the legislature. Therefore, we have to read the words "motor vehicle" in the broadest possible sense keeping in mind that the Act has been enacted in order to keep control over motor vehicles, transport vehicles etc. A combined reading of the aforesaid definitions under section 2, reproduced hereinabove, shows that the definition of "motor vehicle" includes any mechanically propelled vehicle apt for use upon roads irrespective of the source of power and it includes a trailer. Therefore, even though a trailer is drawn by a motor vehicle, it by itself being a motor vehicle, the tractor-trailer would constitute a "goods carriage" under section 2(14) and consequently, a "transport vehicle" under section 2(47). The test to be applied in such a case is whether the vehicle is proposed to be used for transporting goods from one place to another. When a vehicle is so altered or prepared that it becomes apt for use for transporting goods, it can be stated that it is adapted for the carriage of goods. Applying the above test, **we are of the view that** the tractor-trailer in the present case falls under section 2(14) as a "goods carriage" and consequently, it falls under the definition of "transport vehicle" under section 2(47) of the M.V. Act, 1988.”*



9 Supreme Court held that a motor vehicle includes any mechanically propelled vehicle adapted for use on roads irrespective of the source of power. Thus the argument raised is against the settled proposition of law. Still if the argument is accepted and the trolley is held to be not a motor vehicle, the appellants are to be held liable on account of tortious liability. Appellant No.1 is guilty of parking trolley in the middle of road without any parking lights. This led to damage to the property of the respondent. She proved the damage by tendering into evidence the invoice as well as receipt regarding payment of the invoice amount of ₹2,64,071/-. It is in these circumstances that the Tribunal rightly held appellants liable to pay an amount of ₹1.00 lakh.

10 Finding no merits in the present appeal, the same is ordered to be dismissed.

11 Pending miscellaneous application, if any, also stands disposed off.

05.02.2026
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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