



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

FAO-4517-2010 (O&M)
Date of Decision: February 11, 2026

Kailash Saini

...Appellant

VERSUS

Kashmir Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Amit Singla, Advocates
for the appellant.

Dr.Neha Awasthi, Addl. A.G. Haryana
for respondent No.2.

Ms.Madhu Sharma, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellant for seeking enhancement of the compensation awarded on account of damage caused to his car bearing registration No.HR-39A-0478, in a motor vehicular accident, which took place on 13.01.2004.

On appraisal of the evidence brought on record, it was concluded by learned Tribunal about the accident to have been caused due to rash and negligent driving of the bus bearing registration No.HR-64-0163, driven by respondent No.1-Kashmir Singh, which resulted into death of other persons and it caused damage to car bearing registration No.HR-39A-

**FAO-4517-2010****-2-**

0478 of the appellant.

It is the pleaded case of the appellant that he suffered a loss of Rs.2,50,000/-, as his vehicle was totally damaged and turned into salvage. He had filed the claim with District Consumer Disputes Redressal Forum, Hisar, but however, the same was dismissed vide order dated 03.08.2007, on the ground that the licence of driver Santosh Kumar had expired, prior to the date of accident and was not valid on the date of accident.

Respondents No.1 and 2 had made appearance. Respondent No.2 admitted about the factum of accident and that, at the relevant time, respondent No.1 was driving the bus bearing registration No.HR-64-0163.

Issues were framed and evidence was adduced. On appraisal of the evidence, brought on record, learned Tribunal, while considering the written statement filed at the instance of the insurance company, in the petition pending before the District Consumer Dispute Redressal Forum, Hisar, had assessed the net loss caused, with respect to the aforesaid vehicle, to the extent of Rs.1,60,000/- and this extent of compensation was awarded to the appellant. The liability fastened upon the respondents was joint and several.

Now, it is submitted that value of the damaged vehicle of the appellant, in the accident, was to the extent of Rs.2,50,000/- and that he is entitled to seek enhancement of the compensation.

So far as, this submission aforesaid is concerned, it is pertinent to mention that the appellant himself had stepped into witness box as PW-1. He categorically deposed about the involvement of his vehicle, in the accident in question and further also, had deposed about the damage caused to the same. In fact, he also deposed that Vinod Bhan, conducted the survey

**FAO-4517-2010****-3-**

of the damaged car and Bhale Ram, Mechanic Haryana Roadways, Sub Depot Narwana, inspected the damaged car. He also deposed that he had suffered a loss of Rs.5000/- per month. The appellant further deposed in his affidavit that he had lodged own damage claim with the insurance company, but the insurance company repudiated his claim, on the basis of the driving licence. This petition filed before the District Consumer Disputes Redressal Forum, Hisar, was thus dismissed on 03.08.2007.

Even, PW-2 S.K.Bhatia, A.O., National Insurance Company, Divisonal Office, Hisar was examined and this witness, in his examination-in-chief, stated about six claim petitions, arising from the same accident, to have been decided by the MACT, Hisar, vide order dated 28.01.2008 and he also deposed that the present claim petition had also arisen from the same accident, which took place on 13.01.2004. He also deposed that insurance company has satisfied all six claim petitions and proved the copy of the judgment.

While facing cross-examination, the said witness had admitted about Kailash Saini to be owner of vehicle bearing registration No.HR-39A-0478 and that he applied for own damage claim, which was repudiated, on the ground that driver of the said vehicle, was not holding valid and effective driving licence, at the time of accident and that the consumer forum petition was dismissed.

Besides the aforesaid, no other evidence, as such, has been led by the appellant for the assessment of the damage caused to his vehicle in question. In fact, relying upon the written statement of the insurance company, in the petition filed before the District Consumer Disputes Redressal Forum, Hisar, the assessment of the loss was observed to be to the



FAO-4517-2010

-4-

extent of Rs.1,60,000/-. Besides the same, nothing as such, has come on record. It was required on the part of the appellant to have led sufficient evidence, showing the extent of damage caused to his vehicle and about the loss, on the basis thereof, being caused to him. Even though, the appellant had stated about the loss to be Rs.5000/- per month, but however, relating to the same, but for the vague assertion, no evidence, as such, has come on record. No Surveyor has been examined. No mechanic, as such, has also been examined.

There is paucity of evidence and in view of scanty evidence, brought on record, nothing as such, is evident for enhancement of the compensation, awarded on the basis of the written statement filed before the District Consumer Disputes Redressal Forum, Hisar.

In the light of the same, there is no scope for enhancement of the compensation. Hence, the appeal sans merit and the same is hereby dismissed.

February 11, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No