

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****233****FAO-4996-2017 (O&M)****Date of decision: 07.01.2025****Manpreet Singh****...Appellant(s)****Vs.****Mahavir Singh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sushil Saini, Advocate
for the appellant.

*********NIDHI GUPTA, J.**

Prayer in the present appeal is for setting aside the order dated 15.10.2016 passed by the Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as "the learned Tribunal") whereby the claim petition filed by the appellant under Section 166 1(b) of the Motor Vehicles Act (hereinafter referred to as "the Act") for grant of compensation to the tune of Rs.6 lakh for the damages caused to the victim vehicle i.e. Tata Super Ace i.e. Chhota Hathi bearing registration No.PB-02-CC-6212 in a road side accident caused by respondent No.1 while driving the offending vehicle i.e. tractor-trolley bearing registration No.PB-02-CJ-5395, has been dismissed.

2. Learned counsel for the appellant inter alia submits that the claim petition of the appellant has been wrongly dismissed as the learned Tribunal has failed to appreciate that there is no finding on record that the appellant had received any compensation amount on account of damages caused to his victim vehicle in the accident. Learned



Tribunal has also lost sight of the fact that the appellant had withdrawn his claim against his own insurance company. As such, it was incorrect for the learned Tribunal to hold that the appellant had received double advantage from the same cause of action. It is accordingly prayed that the impugned order be set aside.

3. No other argument is raised on behalf of the appellant.

4. I have heard learned counsel for the appellant and perused the case file in great detail.

5. Brief facts of the case as set out by the appellant are that on the night of 27.04.2015 at about 11 pm, the offending vehicle tractor trolley bearing registration No.PB-02-CJ-5395 which was being driven and owned by Mahavir Singh/respondent No.1 in a rash and negligent manner and insured by respondent No.2, was brought by Respondent No.1 on extreme wrong side of the road and hit into the victim vehicle/Chhota Hathi of the appellant bearing registration No.PB-02-CC-6212. Due to this accident, said Chhota Hathi turned turtle and fell down into the fields on left side of the road, whereas, tractor-trolley fell down into the fields on right side of the road. The driver of tractor-trolley ran away from the spot along with tractor-trolley. It has been alleged that the accident had taken place due to rash and negligent driving of driver of tractor-trolley by respondent No.1. Criminal case was registered vide FIR No.22 dated 28.04.2015 under Sections 279 and 304-A IPC at Police Station Jhander, Amritsar on the statement of appellant Manpreet Singh. The occurrence was witnessed by him as he was



coming behind the deceased Antarpreet Singh at a little distance on a motorcycle. As such, the appellant had filed the present claim petition before the learned Tribunal, seeking compensation on account of the damages caused to his victim, vehicle/Chhota Hathi.

6. However, it has come on record that in respect of the said accident, the appellant had also filed a claim petition seeking compensation for the damage caused to his Chhota Hathi bearing registration No.PB-02-CC-6212 from his own Insurance Company i.e. National Insurance Company/respondent No.3 herein. This fact has been admitted by the appellant in his cross-examination.

7. It is recorded in the impugned order that the appellant/PW1 Manpreet Singh in his cross-examination has also admitted the fact that his vehicle bearing No. PB-02-CC- 6212 of 2013 Model is fully insured, though he has not brought the copy of insurance. The important fact which has come in his cross-examination is that he stated that after the accident, regarding the damage which has been caused to his vehicle, he had informed his own insurance company i.e. National Insurance Company.

8. Although it has been contended by learned counsel for the appellant that the appellant had withdrawn his claim made before respondent No.3, however, there is nothing produced by the appellant in respect of or support of the said assertion. As such, the learned Tribunal has correctly held that the appellant cannot claim the amount of damages to his vehicle from two companies. As the appellant had



already filed claim for damages for his vehicle/Chhota Hathi before his own Insurance Company i.e. respondent No.3, as such, he cannot now claim damages for the said Chhota Hathi from the Insurance Company of the offending vehicle. It is also pertinent that it is not even the case of the appellant that he was claiming damages from respondent No.2 only to the extent to which damages had been denied to him by respondent No.3.

9. The Learned Tribunal has thus, correctly relied upon judgment in “**National Insurance Co. Ltd. Vs. Mohan M.S. 2009 (3) ACJ 581**”, wherein it has been held that: -

“Claimant received expenses incurred towards repair of car from his insurance company – Claimant also claimed damages from owner of jeep and his insurance company – Held, claimant cannot be allowed to make any double benefit”.

10. Ld. Counsel for the appellant is unable to controvert or deny the above, said factual and legal position. In view of the above, no ground is made out to interfere in the impugned order. Present appeal accordingly stands **dismissed**.

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

07.01.2025
Sunena

(Nidhi Gupta)
Judge

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