

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

-:-

F.A.O No. 1679 of 2003

Decided on : February 02, 2015

Hans Raj

... Appellant

Versus

Tilak Raj & Ors.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Sagar Aggarwal, Advocate, for
Mr. Ashit Malik, Advocate, for the appellant.

Mr. Ravinder Arora, Advocate, for respondent No.3.

Mahavir S. Chauhan, J. (Oral)

In a motor vehicle accident that took place on 27.10.1998, 37 heads of sheep were the victims. Out of them 26 died on the spot and 11 were stated to have received injuries. Owner of the sheep, namely Hans Raj, brought Claim Application No. 246 of 1998 before the learned Motor Accident Claims Tribunal, Kurukshetra ('the Tribunal' – for short) to seek compensation.

The application was contested by the respondents.

From the pleadings of the parties, learned Tribunal formulated following issues:-

- 1) Whether Hans Raj petitioner received injuries and his sheeps died and some received injuries as a result of rash and negligent driving of the vehicle by respondent

No.1, as alleged?OPP

2) Whether the petitioner is entitled to compensation if so
to what amount and from whom?OPP

3) Whether respondent No.1 was not duly licensed driver,
if not to what effect?OPR

4) Relief.

Both the sides adduced evidence and were heard.

Learned Tribunal returned findings on the issue regarding factum and manner of occurrence in favour of the applicant-appellant and on the issue with regard to quantum of compensation the learned Tribunal assessed loss on account of death of each sheep at Rs.1000/- and allowed compensation amounting to Rs.30,000/- alongwith interest @9% per annum, vide award dated 13.01.2003. The applicant-appellant, feeling dissatisfied with the amount of compensation so awarded, by way of instant appeal prays for modification of the award and for grant of just and reasonable compensation to him.

There is no dispute with regard to number of sheep i.e., 26 having died in the occurrence as also an amount of Rs.10,000/- having been spent on the treatment of the injured sheep. Learned Tribunal assessed loss at Rs.1000/- per sheep, which in my view is on the lower side because it is anybody's guess that even in the year 1998, a sheep could not be purchased for such a meager amount and had they not died in the motor vehicle accident in question, they would have yielded returns in the form of wool, milk etc. However, in the absence of any tangible evidence on the point of

value of each sheep, I assess the loss at Rs.4000/- per sheep. On being so calculated, the applicant-appellant is entitled to compensation amounting to Rs.1,04,000/- on account of loss of 26 sheep and Rs.10,000/- on account of treatment of 10 injured sheep. Thus, total compensation payable to the applicant-appellant comes to Rs.1,14,000/-, which shall be inclusive of compensation awarded by the learned Tribunal.

Other terms of the award shall remain unchanged.

With the aforesaid modification in the impugned award, the instant appeal is disposed of. The applicant-appellant is also entitled to costs through out, which are assessed at Rs.1100/-.

February 02, 2015
tripti

[Mahavir S. Chauhan]
Judge