

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1848 of 1998

Date of decision: February 16, 2015

Raja Ram

.....Appellant

versus

Sanjay Kumar and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Surinder Singh, Advocate for
Mr. R.S. Mamli, Advocate
for the appellant.

Mr. Raghav Gulati, Advocate for
Mr. Paul S. Saini, Advocate
for respondent No.3-Insurance Company.

JASPAL SINGH, J

Raja Ram-Appellant, feeling dis-satisfied against quantum of compensation awarded to him vide impugned award dated April 07, 1998 passed by Motor Accident Claims Tribunal, Yamunanagar at Jagadhari in MACT case No. 96 dated December 13, 1995 whereby, he was awarded compensation to the tune of ₹15,500/- on account of death of sheep and goats belonging to him involving car No. WMF 6336 due to its rash and negligent driving by respondent No.1.

2. While assailing the impugned award, it has been vehemently argued by learned counsel for the appellant that the

impugned award is absolutely against the evidence available on file, settled cannons of law, misappretiation of evidence has resulted into miscarriage of justice. In fact, due to rash and negligent driving of offending car by respondent No.1, 20 sheep and two goats sustained injuries in the accident. Out of which 10 sheep had died at the spot whereas others died subsequent, thereto after 8 to 10 days. The compensation has only been awarded by learned Tribunal @ ₹1500/- per sheep whereas, the market price of sheep was not less than ₹4000/-. Moreover, learned Tribunal has only awarded compensation in respect of 10 sheep whereas 20 sheep belonging to the appellant had died. Thus, compensation awarded by learned Tribunal deserves to be modified by way of enhancement.

3. On the other hand learned counsel for respondent No.3 has submitted that the compensation awarded by learned Tribunal is absolutely in accordance with evidence available on file particularly the statement of PW-2 Dr. Jagmohan Sharma, Veternary Surgeon, who stated that he gave treatment to the sheep and goats and also conducted autopsy on the dead bodies of 10 sheep, who had died due to sustaining of injuries in the accident. The average price of sheep was also unfolded by him and further that expenditure for treatment of four injured sheep (animals) should have been approximately ₹500/-. Thus, just and proper compensation has already been awarded by learned Tribunal and the impugned award does not call for any interference by this Court.

4. This Court has given an anxious thought to the

submissions made by learned counsel for the parties and have perused the impugned award.

5. Undoubtedly, some of the sheep and goats sustained injuries in an accident involving car No. WMF-6336 by respondent No.1. The testimony of PW-2 Dr. Jagmohan Sharma, Veterinary Surgeon is most relevant for the proper adjudication of the matter in controversy. He has categorically deposed while appearing as PW-2 that he conducted autopsy on the dead bodies of 10 sheep and also gave treatment to 4 sheep and goats (animals). He has also deposed with regard to the market price of per sheep prevalent during the days of accident. As per his version the market price was ₹1500/- per sheep. Since, he conducted the autopsy on 10 sheep, learned Tribunal has worked out the compensation to the tune of ₹15,000/- whereas, four sheep and goats were also given treatment by PW-2 Dr. Jagmohan Sharma, Veterinary Surgeon on account of which, appellant-claimant might have incurred a sum of ₹500/-. So, the total compensation to the tune of ₹15,500/- has been awarded which can be termed to be just and adequate, keeping in view the number of sheep as well as market price of a sheep. There is also nothing on record to suggest that market price of sheep was not less than ₹4000/- or that 20 sheep and two goats died in the accident.

6. In such a situation, this Court is of the considered view that there is no infirmity or illegality in the impugned award and the compensation awarded by learned Tribunal is fully justified, In view of the facts and circumstances of the case as well as the evidence

adduced by the appellant/claimant before the learned Tribunal.

7. In the light of what has been discussed above, this Court does not find any merit in the instant appeal, as such the same is dismissed whereby, impugned award dated April 07, 1998 is upheld.
No order as to costs.

**(JASPAL SINGH)
JUDGE**

**February 16, 2015
sham**

- 1. Whether the Reporters of the Local papers may be allowed to see the judgment? Yes**
- 2. To be referred to the Reporters or? Yes**
- 3. Whether the judgment should be reported in the digest? Yes**