

In the High Court of Punjab and Haryana at Chandigarh

.....

CM Nos.16955-CII and 16956-CII of 2014

and

F.A.O. No.6220 of 2014

.....

Date of decision:9.4.2015

Jai Narain

.....Appellant

v.

Thakra Ram and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Dalel Singh Nain, Advocate for the appellant.

.....

Inderjit Singh, J.

CM No.16955-CII of 2014:

For the reasons mentioned in the application, the delay of 19 days in re-filing the appeal is condoned.

The civil miscellaneous application stands disposed of.

CM No.16956-CII of 2014:

For the reasons mentioned in the application, the delay of 48 days in filing the appeal is condoned.

The civil miscellaneous application stands disposed of.

FAO No.6220 of 2014:

Jai Narain-appellant has filed this appeal against Thakra Ram-Driver and Bajrang Lal-Owner and National Insurance Company Limited-

[2]

Insurer (hereinafter referred to as 'the Insurance Company') of the offending truck No.RJ-23GA-3439 for enhancement of the claim as awarded vide award dated 15.11.2013 by the Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as 'the Tribunal').

I have heard learned counsel for the appellant and have gone through the record.

From the record, I find that in the claim petition it is the case of the petitioner (appellant herein) that his buffalo, aged 5 years, had died due to rash and negligent driving of the truck No.RJ-23-GA-3439 driven by Thakra Ram-Driver. The truck was owned by Bajrang Lal and was insured with the National Insurance Company Limited.

As per the claim petition, he was earning ₹5,000/- per month by selling milk of said buffalo and he spent ₹22,000/- on the treatment of said buffalo. It is also in the evidence that he purchased the buffalo for ₹78,000/-. The learned Tribunal after considering all these facts awarded claim to the extent of ₹1 Lac along with interest @7.5% per annum from the date of filing of the petition till its realization.

Keeping in view the fact that the buffalo was purchased for ₹78,000/- and the petitioner is claiming that he spent ₹22,000/- on its treatment, in no way, it can be held that the amount awarded by the Tribunal is inadequate. No ground for enhancement of the awarded amount is made out. The findings given by the Motor Accident Claims Tribunal, Kaithal in terms of the award dated 15.11.2013 are correct and as per evidence and law and do not require any interference from this Court and the same are upheld.

[3]

Finding no merit in this appeal, the same is dismissed.

April 9, 2015.

(Inderjit Singh)
Judge

hsp