

In the High Court of Punjab and Haryana at Chandigarh

**F.A.O No. 4371 of 2013
Date of Decision: 01.2.2017**

Baljinder Singh

.....Appellant

Versus

Umesh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Dinesh Maurya, Advocate for
Mr. G.S.Sandhu, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No. 4.

ANITA CHAUDHRY, J

This is the claimant's appeal seeking enhancement of the compensation allowed to the claimant for the death of his buffalo.

Counsel for the appellant has urged that his buffalo sustained injuries on 23.9.2011 and had died a month later and regarding the accident an FIR had also been lodged and the amount awarded was less. It was urged that a sum of Rs. 25,000/- had been spent on the treatment of the buffalo and he had spent Rs. 20,000/- on his own treatment and the Tribunal had only allowed Rs. 16,820/- for the medicines and Rs. 15,000/- only for the death of his buffalo whereas he was claiming Rs. 50,000/- as value of the buffalo. It was urged that the claimant had examined himself and had given an affidavit stating that the cost of buffalo was Rs. 50,000/-.

The submission on the other hand is that no evidence was led

by the claimant to show that the buffaloes in 2011 were costing Rs. 50,000/- and even the age or the breed of the buffalo was not available to enable the Court to make any assessment and the compensation was awarded on guess work. It was urged that the claimant could not lead any evidence to show that he had spent any amount on his own treatment though the MLR had been produced and the Tribunal has allowed the amount reflected in the bills.

I have gone through the record and I find that there is a reference to superficial abrasions on the body of the claimant which are reflected in the MLR, though x-ray of the left leg was advised but it appears that the claimant did not get any x-ray done and no medical bill was produced by him. I also find that the Tribunal had allowed all the bills that were proved by the claimant. No evidence was led by the claimant to prove the age of the buffalo or its breed to make an assessment. No evidence was led to show that how much milk he was able to sell and the income he was earning. The onus is upon the claimant to prove it. Therefore, I am not inclined to make any addition to the amount.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

February 01, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No