

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.4152 of 2001 (O&M)
Date of Decision : 18.09.2018

Ram Dia

..... Appellant

Versus

Harchand Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Naveen Daryal, Advocate
for the appellant.

None for respondent No.1.

Mr. Suvir Dewan, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 08.05.2001 passed by the Motor Accident Claims Tribunal, Karnal whereby the appellant was awarded Rs.9,000/- on account of death of his cow in the motor vehicle accident.

The case of the appellant was that while his cow was crossing the G.T. Road near Karnal on 05.05.1997 a Car being driven rashly and negligently by respondent No.1 hit into the cow which led to her death. The tribunal held that the value of the cow was Rs.16,000/- and assessed Rs.2,000/- as treatment charges but further held that the appellant was equally guilty in letting its cow cross the road and consequently, limited the liability to 50%. Out of that 50% the limit of

the liability of the insurance company-respondent No.2 was Rs.6,000/- and consequently an amount of Rs.2,000/- was to be recovered from respondent No.1. Hence the present appeal.

Learned counsel for the appellant has argued that there was no occasion to have contributory negligence.

In my opinion, this argument is not entirely correct because there is no explanation why the appellant allowed its cow to stray near the G.T. Road (even on the kacha portion). Roads and their berms are not meant for cattle and consequently the appellant can not escape the liability for this negligence.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

18.09.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No