

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

Sr. No.209

FAO No.3181 of 2012

Date of decision: 31.07.2018

Dariya Singh

....Appellant

versus

Sunder Lal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhinav Sood, Advocate
for the appellant.

Mr. Ram Bilas Gupta, Advocate
for respondent No.2.

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

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DEEPAK SIBAL, J. (Oral)

The present appeal filed at the behest of the claimant arises out of the award dated 17.03.2012 passed by the Motor Accident Claims Tribunal, Panipat (for short – 'the Tribunal').

On the death of his Mare, as a result of an accident with the offending vehicle, the appellant/claimant filed a claim petition before the Tribunal. After sifting the evidence which had come on record, the Tribunal held the appellant entitled to ₹ 80,000/- as compensation out of which ₹ 6,000/- was directed to be paid by the insurance company and ₹ 74,000/- by the driver and owner of the offending vehicle jointly and severely.

Learned counsel for the appellant submits that the appellant had produced a receipt Ex. P1 which revealed that the Mare had been purchased by him for ₹ 1,05,600/-. Therefore, the Tribunal erred in assessing the price

of the Mare at ₹ 80,000/-. It is further submitted that at the time of death, the Mare was pregnant and therefore, compensation of the offspring to which the Mare would have given birth should have also been granted.

The submissions made by learned counsel for the appellant warrant no favourable response.

Neither the appellant, who appeared as PW-1 nor PW-2 Jagbir Singh stated as to whom the receipt Ex.P1 had been issued. Jagbir Singh had stated that he had not put any thumb impression on the receipt which on examination showed thereupon the left thumb impression of Jagbir Singh. Such contradiction remains unexplained by the appellant. Further, the receipt Ex. P1 also bore signatures of Suresh and Man Singh, who were neither produced nor could the appellant or PW-2 Jagbir Singh throw any light with regard to their identity. Thus, the receipt Ex.P1 was rightly discarded by the Tribunal.

The Tribunal also rightly assessed the price of the Mare to be ₹ 80,000/- as such assessment was based on the opinion given by the Veterinary Surgeon in the post-mortem report Ex.P6. Such opinion being of an expert and in the absence of any evidence led by the appellant to the contrary has been rightly relied upon by the Tribunal to assess the price of the Mare.

No other issue was raised.

In view of the above, no merit is found in the present appeal.

Dismissed.

(DEEPAK SIBAL)
JUDGE

July 31, 2018
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