

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

FAO No.4111 of 2015 (O&M)

Date of decision: 10.05.2018

Haridev

.... Appellant

Versus

Naveen Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. S.K.Yadav, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed against award dated 16.03.2015 passed by Motor Accidents Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal').

On 03.08.2013, Haridev son of Tota Ram was going towards Mandi for taking “Bazari” on a camel cart. At about 4.30 a.m., the camel cart was hit by a rashly and negligently driven tanker bearing registration No.HR-66-4911. As a result of the impact, the camel fell down on the road and was run over by the tanker. The camel cart was also damaged. FIR was registered.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed. The Tribunal awarded a sum of Rs.32,600/- along with interest @ 9% per annum. The amount awarded included Rs.10,000/- for cost of camel.

Learned counsel for the appellant has argued that PW2-Surender deposed before the Tribunal that the appellant had purchased the camel from him for Rs.72,000/- . Yet the Tribunal has awarded only Rs.10,000/- for the cost of camel.

Learned counsel for the insurer of the offending vehicle contended that there was no worth reliance material on record to determine the cost of camel.

It is pertinent to mention that it has not come on record that when the appellant had purchased camel from Surender. There is no evidence to show what was the age of the camel at the time of the accident. But keeping in view the fact that even in 2013, the cost of camel would not be Rs.10,000/- in any case.

In the facts and circumstances of the case, the amount awarded by the Tribunal is enhanced by Rs.50,000/-. It may be mentioned that while awarding the said amount, the interest to be awarded under section 171 of the Act has also been taken care of.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

10.05.2018
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1. Whether the order is speaking/reasoned:	Yes/No
2. Whether the order is reportable :	Yes/No