

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

FAO-454-2018

Date of decision: 20.11.2018

Ram Kishan

.... Appellant

Versus

Jayant and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Kuldeep Singh, Advocate for
Mr. Virendera Rana, Advocate
for the appellant.

Avneesh Jhingan, J. (Oral)

The present appeal has been filed against the award dated 12.10.2017 passed by Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as the 'Tribunal').

The brief facts of the case are that on 12.11.2015, the claimant/appellant after grazing his buffalo was coming back to his house, at about 4.00 p.m., an Alto car bearing registration No.HR-03H-2352 (for brevity, 'the offending vehicle') which was being driven in a rash and negligent manner, ramped into the buffalo. Due to the impact of the accident, the buffalo suffered multiple injuries. The buffalo was treated by the veterinary doctor and later on succumbed to the injuries on 21.12.2015. FIR No.729 dated 13.11.2015 was registered at Police Station, City Bhiwani.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity, 'the Act') was filed.

The Tribunal, after considering the facts and on appreciating the evidence produced, awarded a sum of ₹60,000/- as compensation along with interest @ 6% per annum.

The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant contended that the worth of the buffalo was much more than the amount assessed by the Tribunal. The grievance is that the compensation awarded is on the lower side.

The appellant failed to adduce any cogent evidence regarding worth of the buffalo before the Tribunal. Albeit, in the medical certificate Ex.P2 and post-mortem report Ex.P3, the doctor assessed the approximate worth of the buffalo to the tune of ₹80,000/-. The said worth was not found reliable by the Tribunal as no documentary or oral evidence was adduced to corroborate the assessment made by the doctor. The value of the buffalo was assessed to the tune of ₹55,000/- and ₹4733/- were awarded for medical treatment. Even in the appeal, nothing has been produced to show the worth of the buffalo.

In such circumstances, no interference is called for in the award dated 12.10.2017 passed by the Tribunal.

The appeal is hereby dismissed.

(AVNEESH JHINGAN)
JUDGE

20.11.2018
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1. Whether the order is speaking/reasoned: Yes/No
2. Whether the order is reportable : Yes/No