

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No.4618 of 2016 (O&M)

Date of decision:23.05.2018

Giasi

... Appellant

Vs.

Uttri Haryana Bijli Vitran Nigam Limited and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Abhinav Sood, Advocate, for
Mr. Vikram Singh, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is aggrieved of the partial decree of the suit, whereby, against claim of ₹1,20,000/- alongwith interest @ 18% per annum from the date of filing of suit till the realization on account of death of Mule owing to electrocution ₹65,000/- alongwith interest @ 9% per annum has been granted.

Learned counsel appearing on behalf of the appellant-plaintiff submits that the Lower Appellate Court *prima facie* found that mule had died on account of electrocution. Though the trial Court dismissed the suit but the Lower Appellate Court reversed the findings by decreeing the suit but fact of the matter is that DDE No.9 dated 25.09.2013, Ex.P2 proved the

case that mule died due to electrocution. The factum of death on account of electrocution had been proved through the post mortem report conducted by the Veterinary Doctor but in assessing the compensation of ₹65,000/- no yardstick has been followed. On the contrary, the appellant-plaintiff has placed on record Ex.P4/receipt to show that mule was purchased for a sum of ₹1,10,000/- which has been proved through the testimony of PW3-Pawan Kumar son of Balwan Singh and thus, urges this Court for modification of the judgment and decree of the Lower Appellate Court.

I have heard the learned counsel for the appellant-plaintiff, appraised the judgments and decrees of the Courts below and of the view that there is no force and merit in the submissions of Mr. Sood, for, the Lower Appellate Court has granted the compensation to the tune of ₹65,000/-, for, age of the Mule was not ascertained at the time of death. By taking into consideration the receipt Ex.P4, i.e, mule was purchased from PW3-Pawan Kumar for a sum of ₹1,10,000/-, the Lower Appellate Court has rightly assessed the compensation of ₹65,000/- alongwith interest @ 9% per annum.

As an upshot of my findings, I do not find any illegality and perversity in the judgment and decree of the Lower Appellate Court being the last Court of facts and law which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

May 23, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No