

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

311

FAO-319-2003

Date of Decision: 09.09.2022

Dalip Singh

---Appellant

versus

Anil Kumar and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr.Karan Singla, Advocate
for the appellant

None for the respondents.

JAGMOHAN BANSAL, J. (ORAL)

1. The appellant through instant appeal is seeking enhancement of compensation awarded vide order dated 30.09.2002 passed by Motor Accident Claims Tribunal, Kaithal (for short 'Tribunal') whereby learned Tribunal has awarded a sum of Rs.29,000/- on account of injuries to mare of the appellant.

2. The brief facts emerging from record and necessary for the adjudication of present appeal are that on 13.05.2002, Rattan Singh, nephew of the appellant was grazing the mare of the appellant in the area of village Rasina and at about 11 a.m. while he was returning to the house along with the said mare, a maruti car bearing registration No.DL-8-CB-3959 being driven by Anil Kumar-respondent No.1 dashed against the mare. The car driver escaped from the spot and mare suffered injuries.

3. The appellant filed claim petition under Section 166 of the

Motor Vehicles Act, 1988 seeking compensation of Rs.60,000/- on account of injuries suffered by mare and expenses incurred by appellant. Learned Tribunal framed different issues for its adjudication and vide impugned order dated 30.09.2002 awarded a sum of Rs.29,000/- along with interest @ 9% per annum as compensation to the appellant.

4. Learned counsel for the appellant contended that tentative cost of treatment of mare was Rs.60,000/-. Thus, appellant was entitled to compensation of Rs.60,000/- whereas learned Tribunal has granted compensation of Rs.29,000/-.

5. Having perused the record of the case and having heard arguments of appellant, I am of the considered opinion that the present appeal is bereft of merits and deserves to be dismissed.

6. The appellant appeared before learned Tribunal and deposed as PW1. In his statement, appellant submitted that he had spent Rs.20,000/- on treatment of the mare. He made oral statement but did not submit any evidence of medical prescription and medical bills. The appellant submitted medical bills of Rs.2534/- and no procedure/surgery was carried upon mare. The appellant examined Dr. Kuldeep Singh who deposed that cost of treatment would be Rs.60,000/- if animal is taken away to Hyderabad Race Club Veterinary Clinic or Madras Race Club Veterinary Clinic. The mare was never got treated from treatment centres disclosed by Dr. Kuldeep Singh (PW3). Dr. Lavlesh Kant, Veterinary Surgeon deposed that cost of mare was about Rs.20,000 to Rs. 25,000/-. He

was an independent witness and learned Tribunal relying upon the statement of Dr. Lavlesh Kant assessed cost of mare Rs.25,000/-. Learned Tribunal considering the cost of animal and its medical expenses has granted compensation of Rs.29,000/-. It seems to be fair and reasonable especially in view of the fact that appellant did not get animal treated from any hospital and included medical expenses.

I do not find myself able to form any opinion contrary to the opinion recorded by learned Tribunal, thus, the present appeal deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

09.09.2022

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No