

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

224

FAO-841-1995 (O&M)

Date of decision: 15.12.2023

Yusaf

....Appellant

Versus

Mahipal and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the appellant

Mr. Rajneesh Malhotra, Advocate for respondent No.3

AMAN CHAUDHARY. J.

1. The present appeal has been filed by the claimant-appellant for enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (for short 'the Tribunal') vide award dated 12.12.1994, on account of injuries received by his horse in a motor vehicular accident.

2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch in the year 2011. Since the case is pending for the last more than 28 years, the counsel for the Insurance Company has no objection, in case the same is decided on the basis of available record.

3. In the ground of appeal, it has been stated that the claimant-appellant had met with an accident while pulling his horse cart/rehra on 21.02.1993, wherein the horse fell down, due to which its right eye was damaged and it became

permanently disabled. The claimant had spent a lot of money on the treatment of his horse and also suffered a loss of income. It is further averred that after 8 months of the accident, due to the injuries sustained, the horse had died. The Tribunal has only awarded an amount of Rs.6,000/-, which is inadequate.

4. On the other hand, the learned counsel for the insurance company has opposed the present appeal with vehemence by stating that just and reasonable compensation has already been awarded to the appellant, which requires no enhancement.

5. Heard and perused.

6. There is no dispute that the accident was caused by respondent No.1, driver of the offending vehicle, wherein the horse suffered multiple injuries and its right eye was damaged. So far as the liability is concerned, no challenge has been made to the same by the respondents, therefore, it does not require further scrutiny.

7. Evidently, the livelihood of the appellant was dependent upon the Rehra being pulled by the horse, which suffered injuries in the alleged accident and unfortunately died after eight months. The Rehra was also badly damaged. For the treatment of the said animal, the appellant necessarily must have not only spent a huge amount but also remained occupied looking after it, at the cost of his work. Therefore, keeping in view the peculiarity of facts and circumstances, this Court finds that for the ends of justice to be adequately met, the amount of compensation awarded to the appellant deserves to be and is enhanced thus:

i	Compensation for damage to Rehra	Rs.10,000/-
ii.	Compensation on account of medical expenses	Rs.5,000/-
iii.	Compensation on account of special diet	Rs.5,000/-

iv.	Compensation on account of loss of work	Rs.20,000/-
	Total	Rs.40,000/-

8. Accordingly, the enhanced amount of compensation of Rs.34,000/- over and above the amount of Rs.6,000/- already awarded by the Tribunal, alongwith interest @ 7.5% per annum shall be paid to the claimant-appellant within a period of two months from the date of receipt of a certified copy of this judgment, failing which, the amount shall accrue an interest at the rate as already awarded by the Tribunal.

9. Modifying the award to the aforesaid extent, the present appeal is disposed of.

10. Registry is directed to send the copy of the judgment to the concerned Tribunal for necessary compliance.

(AMAN CHAUDHARY)
JUDGE

15.12.2023
M.Kamra

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