



FAO-2242-2020

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

FAO-2242-2020 (O&M)
Date of Decision: 13.11.2025

SANJAY @ SANJU

....Appellant

Versus

RISHIPAL AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Raghav Sharma, Advocate
for the appellant.

Parmod Goyal, J. (Oral)**CM-6410-CII-2020**

The present application has been filed for condonation of delay of 7 days in filing the appeal.

2. In view of the averments made in the application, the same is allowed subject to just exceptions. Application stands disposed of.

Main Case

The appellant/claimant is aggrieved by order dated 18.10.2019, passed by learned Motor Accident Claims Tribunal, Panipat (hereinafter referred as "Tribunal") whereby an amount of Rs.1,35,000/- was awarded towards price of Mare who died in accident dated 29.11.2017 and Rs.15,000/- was awarded towards pain and sufferings, medical expenses, transportation etc. on account of injuries suffered by claimant thereby granting total compensation of Rs.1,50,000/- to the appellant/claimant.

2. Learned counsel for appellant/claimant is aggrieved by quantum



of compensation and has sought enhancement on two grounds that learned Tribunal has only granted Rs.15,000/- for the injuries suffered by appellant/claimant and has not taken into consideration that Mare was 9 months pregnant at the time of its death and no compensation for unborn young one of the mare has been computed and paid.

3. As far as appellant/claimant is concerned, he has claimed to have suffered injuries in the accident and sole reliance was placed upon MLR Ex.P-9. In the present case the doctor has not been examined nor record of treatment or record pertaining to indoor patient has been placed on record to conclude that appellant/claimant had suffered any grievous injuries. There is no material to conclude that appellant/claimant had suffered any grievous injuries. Taking into consideration nature of injuries, amount spent on medicines as well as transportation, learned Tribunal has granted Rs.15,000/- to the appellant/claimant.

4. It is primary duty of appellant/claimant to prove the nature of injuries as it is only the nature of injuries from which Court can decide extent of pain and sufferings as well as loss of income. If appellant/claimant fails to place sufficient material on record to show either directly or indirectly as to the nature of injuries, then Court cannot be faulted for the failure on the part of appellant/claimant.

5. In the present case, in absence of any substantive evidence showing that appellant/claimant had suffered injuries which were either grievous or would have led to great pain and sufferings or loss of income, no fault with the amount granted to the appellant/claimant can be found.



6. The learned Tribunal has duly taken into consideration loss on account of death of Mare. In the present case, the only material regarding valuation of Mare is evidence of PW2-Om Singh, who claimed to have sold the Mare to appellant/claimant vide Ex.P-3 for an amount of Rs.1,35,000/-. The learned Tribunal has duly accepted the said amount. There is no evidence that at the time of purchase by petitioner, Mare was not pregnant and, therefore, the valuation of Mare as such has been correctly taken by learned Tribunal and no separate valuation was required for unborn young one of the mare.

7. Accordingly, I do not find any merit in the present appeal, hence is dismissed. Pending application(s), if any, shall also stand disposed of.

13.11.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

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