



FAO-666-2007 (O&M)

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

**CM-580-CII-2025 IN/AND
FAO-666-2007 (O&M)
Date of Decision: 21.01.2025**

Balbir Singh

.....Appellant

Vs.

Som Raj Rana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Devanshi Sharma, Advocate, for
Mr Ashit Malik, Advocate,
for the appellant.

Ms. Simran, Advocate
for Mr. Pardeep Goyal, Advocate
for respondent No.3–Insurance Company.

SUDEEPTI SHARMA J. (ORAL)**CM-580-CII-2025**

1. This is an application for bringing on record the legal representatives of deceased appellant-Balbir Singh.
2. Notice in the application.
3. On the asking of the Court, Ms. Simran, Advocate, appearing for Mr. Pardeep Goyal, Advocate, accepts notice on behalf of respondent No.3 and submits that she has no objection to the prayer made in the application.
4. In view of the no objection and for the reasons mentioned in the application, the same is allowed. The persons, as mentioned in para No.2 of the application, are allowed to be brought on record as legal representatives

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of the deceased appellant-Balbir Singh, subject to all just exceptions.

5. Amended memo of parties attached with the application is ordered to be taken on record and the main case i.e. FAO-666-2007 is taken on Board today itself.

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1. The present appeal has been preferred against the award dated 07.09.2006 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal') for enhancement of compensation granted to the appellant/claimant on account of death of Mare, who died in a motor vehicular accident occurred on 21.05.2005, whereby the appellant/claimant was granted compensation to the tune of Rs.20,000/- alongwith interest @ 7.5% per annum.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case are not reproduced for the sake of brevity.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. The learned counsel for the appellant/claimant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced.

4. *Per contra*, learned counsel for the respondent-Insurance Company, however, vehemently argues that the award has rightly been

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passed and the amount of compensation as assessed by the learned Tribunal has rightly been granted.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A perusal of the award shows that the learned Tribunal has appropriately assessed the compensation. The accident in question occurred in the year 2005, and the learned Tribunal carefully considered all evidence on record. In the absence of documentary evidence to support the appellant/claimant's assertion of the Mare's value at Rs.1,00,000/-, the learned Tribunal rightly relied on the veterinary surgeon's valuation, who was examined as PW-4 and assessed the compensation to the tune of Rs.20,000/-.

7. In view of the above, there is no legal infirmity in the award dated 07.09.2006 passed by the learned Tribunal. Accordingly, the appeal is dismissed being devoid of merits.

8. Respondent No.3-Insurance Company is directed to disburse the current schedule fee to Mr. Pardeep Goyal, Advocate, within a period of 20 days from the date of receipt of certified copy of this order.

9. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

21.01.2025
Virrendra

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No