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

FAO-3655-2017 (O&M)
Date of decision : 18.02.2026

Ram Parshad

...Appellants

Versus

Balwan and another

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rahi Mehra, Advocate,
for Mr. Shakti Kaushik, Advocate,
for the appellant.

Mr. R.C. Gupta, Advocate,
for respondent No.2-Insurance Company.

HARPREET KAUR JEEWAN, J. (Oral)

1. The appellant is aggrieved against the dismissal of his claim petition by Motor Accident Claims Tribunal, Bhiwani, vide Award dated 13.12.2016.

2. The facts in brief are that on 04.12.2014, the appellant had tied his buffalo in a plot. At about 1.30 p.m., the buffalo was hit by a Bolero Car bearing registration No.HR-99E-(T)/4752 (now registration No.HR-61C/2350) which was being driven by respondent No.1 in a rash and negligent manner. Resultantly, the buffalo suffered multiple injuries. Initially, the treatment was given by Dr. Devender Kumar Poonia in the Government Veterinary Hospital, Gurera and thereafter, the buffalo was referred to Lala Lajpat Rai University of Veterinary and Animal Services, Hisar for further treatment.



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2.2 It is the case of the claimant that as a result of the injuries suffered by the buffalo in the said accident, the buffalo died, as such, FIR No.302 dated 05.12.2014, under Sections 279 & 429 of the Indian Penal Code, 1860 was registered against respondent No.1 at Police Station, Siwani. The claimant sought compensation regarding the death of the buffalo in the motor accident.

2.3 The driver-cum-owner, respondent No.1 denied the accident. The Insurance Company contested the petition.

2.4 Ultimately, the Tribunal dismissed the claim petition by passing the impugned order by recording the following reasons:-

- (a) As per the testimony of Dr. Devender Kumar Poonia, Government Veterinary Hospital, Gurera, PW1, the buffalo had no external marks of injury, and he has further deposed that the exact cause of death can be determined after the postmortem examination;
- (b) The claimant has vaguely alleged that his buffalo died after 10 days, but there is no credible evidence on record as to whether the buffalo has actually died or not;
- (c) The claimant failed to lead evidence that the buffalo belonged to him; and
- (d) The claimant had failed to lead evidence that the buffalo had met with an accident and died on account of the injuries suffered during the accident.

3. Learned counsel for the appellant contends that even an FIR was registered regarding the accident in question. The buffalo was treated by Dr. Devender Kumar Poonia- PW-1, and his oral evidence is on record that the buffalo died due to the accident injuries, as such, the



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appellant had proved that the death of the buffalo was on account of rash and negligent driving of respondent No.1.

4. *Per contra*, learned counsel representing the Insurance Company while referring to the reasons recorded by the Tribunal submits that the appellant had failed to prove the accident as well as failed to connect the alleged death of the buffalo in a motor accident.

5. I have considered the aforesaid submissions and perused the paper-book.

6. A perusal of the testimony of PW-1, Dr. Devender Kumar Poonia, indicates that he had examined the buffalo on 05.12.2014 and treated accordingly. Thereafter, the buffalo was referred to Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar, for further treatment. He has categorically stated that there were no external marks of injury on the buffalo and further stated that exact cause of the death of the buffalo could be ascertained only after the postmortem examination. The report, Ex.P3 proved by the said Veterinary doctor also indicates that the buffalo was examined but no external marks of injury were observed, and the animal was in recumbent position. It is further mentioned that the animal needed internal examination also and for Ultrasound and X-ray, the animal was referred to a higher centre. The appellant had failed to prove the further examination report of the animal. No X-ray or Ultrasound examination report of the animal as suggested vide initial examination report (Ex.P3) has been proved on record.



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7. There is no documentary proof regarding the date of death of the animal. The testimony of PW5, Chhotu Ram, is also material. As per his affidavit, PW5/A (examination-in-chief), he is son of the appellant, and he has stated that he witnessed respondent No.1 hitting the buffalo by rash and negligent driving of the Bolero vehicle. In his cross-examination, he stated that he reached the plot before the accident and except him, nobody else was present there at the time of the accident. He has also stated that his statement was not recorded by the Police. Cross-examination of the said witness indicates that he is the sole eyewitness of the accident, but he has confirmed that the FIR is not registered at his instance.

8. Keeping in view the totality of the aforesaid circumstances, no definite conclusion can be drawn that the buffalo belonging to the appellant had died on account of the rash and negligent driving of the Bolero vehicle and as such, dismissal of the claim petition by the Tribunal is based on the evidence on record and requires no interference.

9. As a sequel of the above discussion, no merits are found in the appeal and the same is accordingly, dismissed.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

18.02.2026

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[HARPREET KAUR JEEWAN]

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No