
(2016) 10 P&H CK 0085
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 6319 of 2014 (O&M)

Gurmeet Singh

APPELLANT

Vs

Balwinder Singh

RESPONDENT

Date of Decision : 06-10-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2017) 2 PLR 270 : (2017) 2 TAC 877

Hon'ble Judges : Darshan Singh, J.

Bench : Single Bench

Advocate : Mr. Dheeraj Narula, Advocate, for the Appellant

Final Decision : Dismissed

Judgement

Darshan Singh, J.—C.M. No. 17134-CII of 2014

There is delay of 12 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 12 days in filing the present appeal is hereby condoned.

Main Appeal

The present appeal has been preferred against the award dated 13.02.2014 passed by learned Motor Accidents Claims Tribunal, Sirsa (hereinafter called the "Tribunal"), whereby the claimant has been awarded compensation to the tune of Rs.75,000/- as compensation on account of death of his two buffaloes as a result of injuries caused in the motor vehicular accident which took place on 28.05.2010.

2. The present appeal has been preferred for enhancement of the amount of compensation.

3. Learned counsel for the appellant contended that the learned Tribunal has wrongly assessed the value of the buffaloes. He contended that one buffalo was of 7 years of age and the second buffalo was of 3 ? years of age. The value of these buffaloes cannot be less than Rs.1,25,000/-. He contended that the claimant while appearing in the witness box has categorically deposed about the value of the buffaloes to be Rs.1,25,000/- but his testimony has been wrongly discarded by the learned Tribunal. Thus, he contended that as the value of both the buffaloes was Rs.1,25,000/-, so just compensation has not been awarded by the learned Tribunal.

4. I have duly considered the aforesaid contentions.

5. The appellant-claimant has himself produced in evidence the post-mortem reports of both the buffaloes Ex.P5 and Ex.P6 wherein the value of the buffaloes have been mentioned as Rs.25,000/- and Rs.50,000/-, respectively. It is a fact of common knowledge that the value of the dead animal is generally assessed by the veterinary surgeon while giving the post-mortem report. The appellant-claimant has not adduced any cogent and convincing evidence to establish that the value of the dead buffalo mentioned by the veterinary surgeon in the post-mortem report Ex.P5 and Ex.P6 was wrong and the value of the said buffaloes was actually Rs.1,25,000/- as pleaded by learned counsel for the appellant. Mere Oral statement of claimant is no ground to discard the value of the buffaloes assessed and mentioned in the post-mortem reports Ex.P5 and Ex.P6 by an expert witness. Thus, I do not find any legal infirmity in the value of the dead buffaloes assessed by the learned Tribunal and appellant is not entitled for any enhancement of the amount of compensation.

6. Thus, keeping in view my aforesaid discussion, the present appeal has no merits and the same is hereby dismissed.