

(2016) 10 P&H CK 0073
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 5202 of 2014

Ramesh Kumar

APPELLANT

Vs

Jasmer Singh

RESPONDENT

Date of Decision : 25-10-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2017) 1 PLR 433

Hon'ble Judges : Mr. Darshan Singh, J.

Bench : Single Bench

Advocate : Mr. S.S. Sidhu, Advocate, for the Respondent No. 3-Insurance Company; Mr. I.S. Pabla, Advocate, for the Respondent No. 2; Mr. Arun Chaudhary for Mr. Karan S. Malik, Advocates, for the Respondent No. 1; Ms. Rajni, Advocate, for the Appellant

Final Decision : Allowed

Judgement

Darshan Singh, J. - The present appeal has been preferred against the award dated 13.01.2014 passed by the learned Motor Accidents Claims Tribunal, Panchkula (hereinafter referred as the "Tribunal") whereby the appellant-claimant has been awarded compensation to the tune of Rs.10,000/- on account of death of his mule in the motor vehicular accident which took place on 13.09.2008.

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

3. I have heard learned counsel for the parties and have gone through the record of this case carefully.

4. Learned counsel for the appellant contended that the appellant has lost his mule in the present accident. He used to earn his livelihood by running the mule-cart. Learned Tribunal has only awarded Rs.10,000/- as compensation which is highly inadequate.

5. On the other hand, learned counsel for the respondents contended that the compensation awarded by the learned Tribunal to the appellant-claimant is just and appropriate and no enhancement is called for.

6. I have duly considered the aforesaid contentions.

7. The learned Tribunal has awarded compensation to the tune of Rs.10,000/- to the appellant on account of accidental death of his mule in the present motor vehicular accident simply on the ground that the same amount has been awarded in some other MACT case vide award Ex.P1. The learned Tribunal has not given any reasoning that how in the present case he has assessed the value of the mule to be Rs.10,000/-. So, the approach of this learned Tribunal was totally erroneous.

8. Ex.P2 is the copy of the postmortem report which shows that the value of the mule was assessed by the veterinary surgeon to be Rs.25,000/-. The veterinary surgeon is an expert to assess the value of the animal. So, the claimant shall be entitled to a sum of Rs.25,000/- as compensation on account of death of his mule in this motor vehicular accident.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.25,000/- from Rs.10,000/- as awarded by the learned Tribunal. The appellant-claimant shall be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain same as determined by the learned Tribunal in the main award.