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

**CWP No.9865 of 2014
Date of decision:11.05.2016**

Sukhdev Kaur and others ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Dalbir Singh, Advocate, and
Mr. S.S.Nara, Advocate, for the petitioners.

Mr. P.P.Chahar, DAG, Haryana.

Rakesh Kumar Jain, J.

Petitioner No.1 is the widow of Jaswinder Singh and petitioner Nos.2 and 3 are his sons. On 04.11.2012, at about 5/5.30 p.m., petitioner No.2 Satbir Singh along with his father Jaswinder Singh (deceased) was going to his house at Sadhaura from his fields at Kalpurikalan on his motorcycle bearing registration No.HR71-0823 and when they reached at Kurali Bus Stop on Sadhaura-Bilaspur road, a number of blue cows (Nilgains) suddenly appeared on the road from the East side and struck against the motorcycle, as a consequence thereof, petitioner No.2, who was driving the motorcycle and his father Jaswinder Singh (deceased) fell on the road and suffered multiple injuries. They were taken to Sadhaura Civil Hospital and, thereafter, referred to the Trauma Centre, Yamunanagar. Both were admitted in Gaba Hospital by Brahampal, who is related to the deceased Jaswinder Singh (brother-in-law/Sala) but Jaswinder Singh

succumbed to his injuries. A DDR dated 06.11.2012 was recorded and post mortem was conducted of the deceased on 06.11.2012. There is no dispute that the accident had occurred because of the blue cows (Nilgains). The petitioners were given compensation by the respondent-State to the tune of ₹30,000/- on the basis of the Government Instructions dated 03.11.1998 as per which in case of death of an adult, in the attack of wild animals, the compensation was to be paid @ ₹30,000/-. Unsatisfied with the award of compensation, the present petition has been filed in which the petitioners have prayed for ₹20,00,000/- as compensation.

After notice, the respondents have informed the Court that the Government has enhanced the amount of compensation vide its instructions dated 19.02.2014 as per which in case of death of an adult due to attack of a wild animal, the compensation is now to be paid is ₹2,00,000/-. It is, thus, sought to be argued that the petitioners at the most would be entitled to ₹2,00,000/- as compensation.

Counsel for the petitioners has submitted that the amount of compensation, which is to be paid by the Government, might have been increased from ₹30,000/- to ₹2,00,000/- but on account of death of Jaswinder Singh, who was allegedly 39 years of age, the petitioners are entitled to more compensation. In this regard, the petitioners have relied upon a decision of this Court in the case of **Sushma Rani vs. State of Punjab and others**, CWP No.23932 of 2015, decided on 24.02.2016, in which compensation of ₹10 lacs was awarded on account of the death occurred because of the attack by a raging bull.

I have heard learned counsel for the parties and examined the

available record with their able assistance.

There is no dispute that Jaswinder Singh has been killed by blue cows (Nilgains) and his case falls within the parameters of attack by wild animal causing his death. It is also not in dispute that earlier, as per the instructions dated 03.11.1998 of the Department of Wild Life Preservation, compensation was to be paid to the tune of ₹30,000/- in case of death of an adult due to attack of wild animals, which has now been revised to the tune of ₹2 lacs by way of instructions dated 19.02.2014. However, the question would be as to whether the petitioners should be satisfied with ₹2 lacs or the compensation has to be assessed keeping in view the longevity of life of the deceased, multiplied with his monthly earning and the multiplier of years he would have lived, as per the formula which is being used in case of deaths in a vehicular accident.

There is no dispute that the deceased was 39 years of age at the time of his death and has left behind three dependents, out of which one is his widow and two are his minor sons of the age of 15/16 years. Since the deceased was a healthy male and was doing agricultural work as there is nothing else brought on record in respect of his occupation, he must have been earning the minimum of ₹4,000/- per month which, after multiplying with 12, comes to ₹48,000/- per year. He would have also spending 1/3rd of his earning on himself, therefore, the amount of ₹48,000/- is reduced to ₹32,000/- and by applying the multiplier of 16, which is provided in the Motor Vehicles Act, 1988 for a person between the age of 35 to 40 years, the compensation assessed would be ₹5,12,000/-, which shall be paid to the petitioners instead of ₹2 lacs. If ₹30,000/- has already been paid, then the

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said amount has to be deducted from the amount of compensation determined by this Court. The amount of compensation shall be paid by the respondents with 9% interest to be calculated from the date of application filed for compensation, within a period of 3 months from the date of receipt of certified copy of this order.

May 11, 2016
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(Rakesh Kumar Jain)
Judge