

CWP No.1857 of 2016

[1]

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

**CWP No.1857 of 2016
Date of decision:06.12.2017**

Gurdeep Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. HPS Dhillon, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J.

The petitioner has prayed for a writ in the nature of *mandamus*, seeking a direction to pay compensation for the death of his *murrah* buffalo, due to electrocution, while grazing near the electric transformer in his fields. The petitioner has alleged that he had purchased the *murrah* buffalo from Shamsher Singh S/o Amreek Singh, resident of Gumthala Garhu, Tehsil Pehowa, District Kurukshetra on 10.03.2015 for an amount of ₹1,00,000/- against receipt. The petitioner was allegedly getting 12 liters milk every day from the said *murrah* buffalo in the morning and evening but she died on 19.08.2015 due to electrocution while grazing grass as she came into contact with the sporting wire of electric transformer installed in his fields because the respondents did not take any safety and protective measures. Thus, the

petitioner has claimed ₹2,00,000/- towards compensation for the loss of his buffalo and the harassment etc. After the incident, the dead body of the buffalo was allegedly brought to the Veterinary Hospital, Gumthala Garhu, where her post mortem was conducted on the same day and the cause of death was found to be electric shock. The petitioner also informed respondent no.5/SDO (OP), UHBVNL, Sub Division, Pehowa about the incident and also the police of Police Post Gumthala Garhu and DDR No.8 dated 22.08.2015 was registered. The petitioner had approached the respondents for the compensation by way of representation but no action has been taken, therefore, he has filed the present petition.

The petitioner has prepared a chart for the purpose of assessing the compensation, which is reproduced as under:-

<u>“Fatal Accident due to electrocution</u>	<u>Date of accident :19.08.2015</u>	<u>Date of death :19.08.2015</u>
Age & Variety of the deceased buffalo:-	About 3- ½ years of Murha variety as per receipt dated 10.03.2015 (Annex.-P/4)	
Capacity to produce milk	The deceased buffalo used to give 12 litres milk per day both the times i.e. morning & evening	
Claimants:-	Owner of the deceased buffalo	
	Heads of claim	Proposed before the Hon'ble High Court
1	Cost of the deceased buffalo as per receipt dated 10.03.2015 (Annex.-P/4)	Rs.1,00,000/- (One lac)
2	Income per day from milk was (12 litres x Rs.50 per litre) =Rs.600 per day	Monthly income was Rs.18,000/-
3	Expenditure per day on the buffalo before death Rs.200/- (Approximately)	Monthly expenditure was Rs.6,000/-
4	Net per day income from milk after deducting expenditure was (Rs.600-Rs.200)=Rs.400	Net monthly income was (Rs.400/- x 30 days) = Rs.12,000/- per month.
5	Loss of income from 19.08.2015 to till date i.e. 5- ¼ months	Rs.12000 x5 ¼ months=Rs.63,000/-

Age & Variety of the deceased buffalo:-	About 3- ½ years of Murha variety as per receipt dated 10.03.2015 (Annex.-P/4)	
6	On account of mental agony, harassment & legal expenses	Rs.37,000/-
Total	Total estimate of loss (column no.1+5+6 i.e. 1,00,000/- +63,000/-+37,000/-	Rs.2,00,000/- till date from 19.08.2015

After notice, respondents no.3 to 5 have filed the reply, in which they have admitted that a complaint was received by some person but not the petitioner that the electric wire has been broken and accordingly, Rajinder Kumar, Lineman and Satbir, Assistant Lineman were sent to repair the broken electric wire, which was repaired. It is also alleged that the petitioner is trying to extort money in the name of compensation though no complaint was filed on 18.08.2015 to 19.08.2015 by him regarding the broken wire. It is also denied that the buffalo had died due to electric current/shock.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The respondents have admitted that the electric wire was broken but it is alleged that it was got repaired without disclosing the date on which it was allegedly repaired. The petitioner has led evidence to the effect that the DDR was registered about the death of buffalo due to electric shock and the post mortem of the buffalo was also conducted by the Veterinary Surgeon at Veterinary Hospital, Gumthala Garhu, who had given the cause of death of the buffalo due to electric shock. The petitioner has also produced on record the receipt of purchase of the said buffalo, from which it transpires that the buffalo was of *murrah* variety and was purchased for ₹1,00,000/- by the petitioner but the total compensation claimed by him is of ₹2,00,000/-.

Thus, keeping in view the aforesaid facts and circumstances, the present petition is hereby disposed of with a direction to respondents no.3 to 5 to pay an amount of ₹1 lac to the petitioner along with simple interest @ 9% per annum from the date of death of the aforesaid buffalo till the date of actual realization. The needful shall be done within a period of three months from the date of receipt of a certified copy of this order.

December 06, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No