

CWP No.284 of 2018

[1]

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

**CWP No.284 of 2018
Date of decision:11.01.2018**

Ranjita and others

...Petitioners

Versus

State of Haryana and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Surinder Kaur, Advocate,
for the petitioners.

Rakesh Kumar Jain, J. (Oral)

This petition is preferred by the widow and the children of Naksha Khan (since deceased) who died in an accident on 13.02.2017.

Counsel for the petitioners has submitted that DDR No.20 dated 14.02.2017 was recorded on the statement of Tiger Khan (brother of the deceased) who has alleged that the accident took place when the deceased was coming on his motorcycle bearing registration No.HR-31A-6447 from Bai to Devi Lal Chowk and was heading towards Hansi Road when suddenly, two bulls, fighting with each other, came in front of the motorcycle and the deceased fell on the road and suffered injuries.

It is also submitted that in the postmortem report, the cause of death has been given as "head injury and its complications". The petitioners have prayed for grant of compensation from the respondents on the ground that the deceased has been killed by the stray animals. It is submitted that it was the responsibility of the Municipal Committee to ensure that such type of

accidents may not happen because of the stray animals/cattle.

After hearing learned counsel for the petitioners and examining the available record, I am of the considered opinion that from the material brought on record, it is not proved that the death of the deceased had occurred on account of involvement of a stray animal/cattle as the postmortem report only discloses the cause of death on account of head injury and its complications. The DDR report cannot be made the sole basis for determining the liability of the respondents. Therefore, it would be just and expedient to relegate the petitioners to avail their remedy of filing a Civil Suit for compensation wherein they would be in a position to lead evidence to prove the reasons of suffering the injuries by the deceased and his ultimate death.

With these observations, the present petition is hereby disposed of by relegating the petitioners to the remedy of filing a Civil Suit for compensation.

January 11, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No