

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

RSA No.1629 of 2018 (O&M)

Date of decision:- 22.03.2018

Punjab State through Collector Gurdaspur and another ...Appellants

Versus

Sukhjit Kaur and others

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms.Akakansha, AAG, Punjab.

RITU BAHRI J. (Oral)

CM No.4379-C of 2018

For the reasons stated in the application, delay of 152 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

After hearing counsel for the appellant, learned trial Court has rightly assessed the compensation for an amount of Rs.2 Lacs on account of death of Jaswinder Singh-husband of plaintiff/Sukhjit Kaur who had died in the accident by when a stray dog came in front of the motorcycle, and hit against the motorcycle.

A perusal of the judgment shows that husband of the plaintiff/Sukhjit Kaur was going to Kalanaur from Gurdaspur on Hero Honda Motorcycle bearing registration No.PB-18-P-7840. On Rajesh Kumar was on the pillion seat of that motorcycle. They reached near village Shekhpur, Tehsil and District Gurdaspur on the Gurdaspur-Kalanaur road. On stray dog came in front of their motorcycle and hit against that motorcycle. Both the riders of that motorcycle fell down on the ground and received injuries. The said Jaswinder Singh received serious injuries and was got admitted in Civil Hospital Gurdaspur whereby he was declared dead. His postmortem was also got conducted in that Hospital on

proceedings under Section 174 of the Code of Criminal Procedure vide Rapat No.26 dated 21.03.2011. While decree the suit, it has been further observed by the trial Court that as per letter Ex.D2 in which it is specifically stated that problem of stray dogs is to be solved by Local Bodies in the cities and village panchayats in the villages, but no senior efforts have been made in this regard. It was further mentioned in the letter Ex.D2 that as per Prevention of Cruelty to Animals Act, 1960, animal birth control (dogs) Rules 2001 were framed by the Animal Welfare Board of India and as per provisions of the Act, killing of dogs was totally banned. Therefore, keeping in view the facts and circumstances of the case, compensation in the sum of Rs.2 Lacs has been rightly granted to the plaintiffs along with interest @ 6% per annum from the date of death of Jaswinder Singh till its realization.

Learned appellate Court has also affirmed the finding given by the trial Court vide order dated 31.05.2016.

So in the light of the discussion, the orders of the Courts below do not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

However, appellant shall inform the Court within one month after paying the amount of Rs.2 Lacs as compensation to the respondents.

22.03.2018
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>