

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7411 of 2019

Date of decision:-18.03.2019

Seema Devi

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Munish Garg, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Seema Devi, has filed the instant petition praying for a mandamus to direct the respondents to pay to her a compensation amount of Rs.20,00,000/- on account of death of her husband which occurred on 28.09.2018 in an accident involving a stray animal.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that questions of fact arise in the petition.

As per postmortem report, the cause of death has been opined to be a head injury which was sufficient to cause death in the ordinary course of nature.

As per inquest proceedings and report of the police authorities at Annexure P-3, a statement of Dinesh Chand i.e. brother of the deceased had been recorded on the following day of the accident and who had stated that while the deceased was returning from Mansa to Barnala on a motor-cycle he was involved in an accident caused on account of a stray animal. Dinesh Chand, concededly was not an eye-witness to the accident. At best

the statement of Dinesh Chand, would be taken to be hearsay evidence.

There is no other conclusive and clinching evidence for the writ Court to record a definite finding that the death of Charan Singh i.e. husband of the petitioner was caused on account of having suffered injuries involving a stray animal.

In view of the above, writ petition is disposed of in terms of granting liberty to the petitioner to avail of appropriate remedies as may be available in accordance with law.

(TEJINDER SINGH DHINDSA)
JUDGE

18.03.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No