

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

CWP No.8664 of 2019

Date of Decision : 05.09.2019

Kanav Goyal and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present : Mr.Gagandeep Singh Virk, Advocate
for the petitioners.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant writ petition raises a two-fold prayer – (i) Petitioners seek a Mandamus to direct the respondent authorities to pay to them adequate compensation on account of the injuries suffered in an accident involving stray cattle. (ii) Directions are also sought for the State of Punjab/competent authority to frame a comprehensive policy so as to compensate the injured persons or their dependents in the case of death or injury in an accident involving stray cattle/animals on the basis that the same amounts to negligence on the part of the State authorities in performing their statutory duties.

Counsel for the petitioners has been heard at length.

In so far as prayer at (ii), noticed here-in-above, a Coordinate Bench of this Court has already examined and dealt with the issue in judgment dated 24.02.2016 in **CWP No.23932 of 2015** titled as '*Sushma Rani v. State of Punjab and Ors.*' (Annexure P-5) and wherein directions in such regard have already been issued.

As regards the first prayer for grant of compensation is concerned, petitioners have relied upon documents placed on record at Annexures P-1 and P-2. The document at Annexure P-1 only reveals the payments made towards medical treatment having been received at Dayanand Medical College & Hospital, Ludhiana as also at Fortis Hospital, Ludhiana. Annexure P-2 is a copy of the DDR dated 20.10.2018 on the basis of a statement made by Kanav Goyal- petitioner No.1 herein and who was stated to be driving the vehicle.

The conjoint reading of the documents at Annexures P-1 and P-2 cannot be taken as conclusive and clinching evidence that the accident of the vehicle in question bearing No.PB-10GK-6370 and in which the petitioners were travelling on 10.10.2018 was on account of a stray animal suddenly appearing on the road. The writ petition involves questions of fact and for which evidence would have to be led. It would essentially be a triable issue.

In view of the above and while declining to interfere in the instant writ petition liberty is granted to the petitioners to pursue the prayer for grant of compensation on account of injuries suffered in the accident dated 10.10.2018 by availing of their civil remedies in accordance with law.

Disposed of.

05.09.2019
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No