

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

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CWP-31446-2019

Date of Decision: 25.11.2019

Krishan @ Krishan Chand and others

--Petitioners

Versus

State of Haryana and others

--Respondents

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

Present:- Mr.Baldev Singh Dhillon, Advocate
for the petitioners.

TEJINDER SINGH DHINDSA.J.

Petitioners seek a mandamus for directing the respondent-authorities to pay to them adequate compensation on account of death of Sh. Tinku on 13.05.2019 in an accident allegedly caused by a stray cow.

Petitioners herein are the father, mother and sister of the deceased.

It is the case of the petitioners that while Sh. Tinku was proceeding on his Aactiva scooter on the fateful day, at about 8.30 p.m., then suddenly a stray cow came in front of the scooter due to which the accident occurred and Sh. Tinku succumbed to the injuries suffered.

In support of the prayer seeking compensation, reliance has been placed upon a DDR dated 14.05.2019 (Annexure P-1) as also the post-mortem report at Annexure P-2.

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that the writ petition raises questions of fact. The DDR has been recorded on the

statement of petitioner No.1, who concededly was not an eye witness to the alleged accident. Even the post-mortem report would not conclusively prove that the accident had occurred on account of a stray cow having come in front of the scooter which the deceased was riding.

For the claim of the petitioners to succeed, evidence would have to be led to substantiate the involvement of a stray cow in the accident that was stated to have occurred on 13.05.2019 leading to the death of Sh. Tinku,

In view of the above and without opining on the merits of the claim, the writ petition is disposed of in terms of granting liberty to the petitioners to avail of their alternate remedies in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.11.2019
anju

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No