

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-1959-2021

Vimal and anotherPetitioners

Vs.

Union of India and othersRespondents

2. CWP-2015-2021

Vimal and anotherPetitioners

Vs.

Union of India and othersRespondents

Date of decision: - 29.01.2021

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Abhishek Kumar Premi, Advocate
for Mr. Chandan Singh, Advocate
for the petitioners.

Mr. Pankaj Gupta, Advocate
for respondent No.1-UOI.

Ms. Akshita Chauhan, AAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, above-said two writ petitions filed by the same petitioners in respect of death of their family members are being disposed off as both the petitions involve same question of law and similar facts.

As per the averments made in the petitions, son and husband of petitioner No.1, namely, Lakshay and Sanjeev Kumar, respectively, died in an accident while travelling in a car from Ambala to Ludhiana. As per the allegations mentioned in paragraph 3 of the writ petitions, when the deceased persons were crossing Doraha, District Khanna, while travelling in their car a stray cow came in front of their car and collided and in the accident, both occupants of the car i.e. son and husband of petitioner No.1 unfortunately died, for which a DDR was also registered. In the said accident, even the stray cow was killed.

Learned counsel for the petitioners argues that after the death of the sole bread winner Sh. Sanjeev Kumar, family is left in financial distress and is unable to make both ends meet so as to lead a dignified life, as envisaged under Article 21 of the Constitution of India. Learned counsel for the petitioners further argues that in somewhat similar circumstances where a citizen lost life in an accident involving a stray animal, this Court granted the compensation to the tune of Rs.10 lakhs in **CWP-17331 of 2010** titled as 'Nisha and others Vs. State of Punjab and others', **decided on 27.05.2019** (Annexure P-12), wherein, this Court has computed compensation on the basis of law laid down by the Hon'ble Supreme Court in 'Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR(Civil) 77 (SC).

Learned counsel for the petitioners submits that keeping in view the above-said settled principle of law, petitioners are entitled for

the compensation in terms of the law laid down in Nisha and others (supra) for the death of their two family members and Rs.10 lakhs for each deceased be paid for mitigating the financial distress of the family.

Learned counsel for the petitioners states that the petitioners had already approached the Deputy Commissioner, Ludhiana-respondent No.3, under whom Doraha, where the accident had taken place comes, by serving the legal notices dated 14.07.2020 (Annexure P-9), but despite an expiry of more than five months, no action has been taken by respondent No.3 in respect of the said legal notices.

Learned counsel for the petitioners further states that petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No.3 to decide the said legal notices keeping in view the law laid down by this Court in Nisha and others case (supra).

Notice of motion to the respondents.

Mr. Pankaj Gupta, Advocate, who has joined the proceedings through video conference, keeping in view the service of advance copy of petitions, accepts notice on behalf of respondent No.1-UOI and Ms. Akshita Chauhan, AAG, Punjab, accepts notice on behalf of respondents No.2 to 4.

Learned counsel for respondents No.2 to 4 submits that the respondents have no objection with regard to prayer of the petitioners for deciding the legal notices dated 14.07.2020 (Annexure P-9) in a time bound manner by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the

merits of the cases or the claim being made by the petitioners, respondent No.3 is directed to decide the legal notices dated 14.07.2020 (Annexure P-9) by passing a speaking order within a period of three months from the date of receipt of a copy of this order.

It is made clear that while deciding the said legal notices, respondent No.3 will keep in mind the law laid down by this Court in **CWP-17331 of 2010** titled as 'Nisha and others Vs. State of Punjab and others', decided on 27.05.2019 (Annexure P-12).

Present writ petitions stand disposed of accordingly.

January 29, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No