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

(212) **CM-4389-LPA-2019 and
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LPA-1926-2019
Date of Decision : November 12, 2025**

Municipal Council Sangrur .. Appellant

Versus

Nisha and others .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. T.S. Sidhu, Advocate, for the appellant.

Mr. Anurag Arora, Advocate, for the respondents No. 1 to 3.

Mr. Rahul Rampal, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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Present application has been filed seeking condonation of delay of 155 days in filing the appeal.

Reply to the application seeking condonation of delay of 155 days in filing the appeal has already been filed.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 155 days in filing the appeal is condoned.

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1. In the present appeal, the challenge is to the order dated 27.05.2019 passed by the learned Single Judge in CWP No.17331 of 2010



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by which, a compensation of Rs.29 lakh has been granted in favour of the respondents by recording a finding that the husband of respondent No.1 and father of respondents No. 2 and 3 had succumbed to injuries caused by stray-bull since appellant-Municipal Counsel, Sangrur failed to protect deceased victim's life and liberty.

2. Learned counsel for the appellant submits that the present case involves disputed question of facts as nothing has come on record to show that Vijay Kumar (deceased husband of respondent No.1) succumbed to the injury caused by a stray-bull and till the factum that the injuries suffered by the deceased Vijay Kumar at the hands of stray-bull is proved by leading cogent evidence before competent Court of law, the benefit of compensation could not have been granted to the respondents by the learned Single Judge.

3. Learned counsel for the appellant further submits that the learned Single Judge assumed that the injury caused to deceased Vijay Kumar was by a stray-bull, only on the basis of the allegation alleged by the respondents, whereas, no such document including medical record which could prove that injury has been caused to Vijay Kumar by the stray-bull has been brought on record except for the fact that Vijay Kumar suffered head injuries on a particular date, which cannot be ground enough to grant benefit of compensation to the respondents by treating that same were caused by a stray-bull.

4. Learned counsel for the appellant further submits that the recording of the finding that when Vijay Kumar was admitted in Amar



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Hospital, Patiala, it was recorded therein that the deceased Vijay Kumar was hit by a bull but same was only an assertion of the respondents, which assertion has also not been proved by any corroborating evidence brought on record before the learned Single Judge.

5. Learned counsel for the appellant further submits that till all the facts showing that Vijay Kumar (deceased) was injured by stray-bull are proved, awarding compensation to the respondents, which amount of compensation is to be paid by the appellant, is not correct and therefore, keeping in view the fact that there is dispute qua question of facts in present case, the impugned order passed by the learned Single Judge granting the benefit of compensation to the respondents, may kindly be set aside.

6. Learned counsel appearing on behalf of respondents No. 1 to 3 submits that all the relevant facts have already been brought to the notice of the Court including the fact that immediately after the injuries suffered Vijay Kumar was taken to Civil Hospital, Sangrur from where he was referred to higher centre and admitted to Amar Hospital, Patiala and later on taken to PGI Chandigarh, where he remain admitted from 07.12.2007 to 10.12.2007. DDR No.16 dated 16.10.2007 was also recorded with Police Station, Sangrur coupled with the hospital record wherein, it has been stated that the injuries suffered by Vijay Kumar was due to injury caused by a stray bull and after going through all record, the benefit of compensation was granted to the claimants by the learned Single Judge and the same is perfectly valid and legal. Accordingly, the appeal may kindly be dismissed.



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7. We have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The foremost aspect which needs to be proved is that whether, the injuries suffered by the deceased was at the hands of “stray-bull” or not.

9. The aspect whether, the injuries which have been suffered by the deceased were suffered by a stray-bull or not, has to be proved by leading cogent evidence so as to make the Municipal Council, Sangrur liable for the payment of compensation.

10. In the present case, the learned Single Judge has relied upon a fact that when the deceased was taken to the hospital, the information was given that the injuries have been suffered from the stray-cattle.

11. It may be noticed that the said assertion has not been proved/corroborated by any independent witness before the compensation was awarded by the learned Single Judge.

12. Further, the father of the deceased had got a DDR recorded much after the incident wherein, the same facts were reiterated but nothing has come on record that the police found the said assertion as correct. No finding of the police in respect of the DDR has also been brought on record to corroborate that the injuries suffered by the deceased were by a stray-animal so as to make the appellant liable for the compensation.

13. It is a settled principle of law before any authority is fastened with the liability of inaction which results in payment of compensation, cogent facts duly corroborated have to be proved. Before the learned Single

Judge, only assertions were made rather than proving the same which



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assertions have been taken as evidence without giving opportunity to the other side to rebut the same.

14. Further, the allegation of inaction on the part of Municipal Council has to be proved by leading the cogent evidence and the same can only be done before the Civil Court so that the assertions raised on behalf of the deceased are corroborated with due opportunity to the other side to rebut the same. In the absence of any such procedure adopted, unless and until, the facts pleaded are conceded by the other side, the compensation cannot be granted straightaway.

15. In the present case, facts are being disputed by the Municipal Council, Sangrur and as per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.2848 of 2021 titled as Shubhas Jain vs. Rajeshwari Shivam and others, decided on 20.07.2021.*** that where disputed question of facts are involved, the writ petition should not be entertained, will come into picture. The relevant paragraph of the said judgment is as under:-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of fact. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

16. Keeping in view the above, the present appeal is allowed. Impugned order dated 27.05.2019 is set aside qua compensation awarded to respondents. However, the claimants are given liberty to approach the Civil



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Court to prove the allegations alleged against the appellant so as to claim compensation.

17. It is made clear that any observation made in this order or in the impugned order passed by the learned Single Judge will not be taken adversely against either of the party and in case the jurisdiction of the Civil Court is availed, the issue will be decided on the basis of the evidence brought on record. Interim compensation of Rs. 1 lakh paid by the appellant will not be recovered from the respondents.

18. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 12, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No