

2026:PHHC:056334



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

Date of Decision: 09.04.2026

[1] **RSA-3427-2025 (O&M)**

Municipal Council, Bhiwani

....Appellant

Versus

Smt. Savitri and others

....Respondents

[2] **RSA-302-2026 (O&M)**

Municipal Council, Bhiwani

....Appellant

Versus

Smt. Savitri and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Jagdish Manchanda, Senior Advocate with
Mr. Nischal Manchanda, Advocate
for the appellant (in both appeals).

Mr.Sudhanshu Makkar, Advocate,
for respondents No.1 to 4 (in both appeals).

VIKRAM AGGARWAL, J. (Oral)

The instant appeals have been instituted by defendant No.2-Municipal Council, Bhiwani, against the judgment and decree dated 01.09.2025 passed by the Court of Additional District Judge, Bhiwani, dismissing the appeal filed by the appellant and partly allowing the cross-objections filed by the plaintiff (Smt. Savitri). Vide judgment and decree dated

11.05.2023 passed by the Court of Additional Civil Judge (Senior Division), Bhiwani, the suit filed by the plaintiff, had been decreed.

2. For the sake of convenience and brevity, the parties shall be referred to as per their original status.

3. The plaintiff instituted a suit claiming compensation/damages of Rs.30 lakhs on account of the death of her husband, Surender Singh.

3.1 The case of the plaintiff was that on 03.06.2016, Surender Singh, while coming out of the Court Compound, Bhiwani, was hit by a bullock, while two bullocks were in the process of fighting with each other. Surender Singh suffered grievous injuries on his abdomen. He was taken to Bhardwaj Hospital by one Vikas and Bhalla Ram, where he remained admitted upto 06.06.2016. Thereafter, he was shifted to SPES Hospital, Bhiwani, as he had to be put on a ventilator. He, however, expired.

3.2 It was claimed that Surender Singh was the sole bread-winner of the family. It was averred that he was an agriculturist and also used to run a dairy. His monthly income was claimed to be Rs.40,000/-. It was asserted that he was 56 years of age at the time of his death. It was claimed by the plaintiff that she and her major children (proforma defendants No.3 to 5) were solely dependent upon the income of her late husband.

3.3 It was claimed that it was on account of the negligence on the part of the Municipal Authorities that the stray

cattle had been left loose on public roads. It was claimed that Rs.2 lakhs had been spent on the treatment of Surender Singh. A sum of Rs.30 lakhs was claimed as compensation.

4. The suit was opposed by the Municipal Council, Bhiwani. In the written statement, certain preliminary objections regarding maintainability, *locus-standi* and the plaintiff not having approached the Court with clean hands, were raised. On merits, it was averred that the suit was not maintainable as the Court Compound, did not come within the area of Municipal Council, Bhiwani. It was denied that the death of Surender Singh had taken place on account of the negligence on the part of the Municipal Authorities. It was also averred that the plaintiff had not been able to prove that her husband had died on account of having been hit by a stray bullock.

4.1 Defendant No.1 (State of Haryana) had adopted the written statement filed by defendant No.2.

5. From the pleadings of the parties, the following issues were framed:-

- 1. Whether the plaintiff is entitled for damages on account of death of Surender Singh due to negligence of defendants or their officials to the tune of Rs.30,00,000/- along with interest @ 18% per annum as prayed for?OPP**
- 2. Whether the suit is not maintainable?OPD**
- 3. Whether the plaintiff has no cause of action or locus standi to file the present suit?OPD**
- 4. Whether the plaintiff has not come to the Court with clean hands and suppressed the material facts from the Court?OPD**

- 5. Whether the plaintiff is estopped from filing the present suit by his own act and conduct?OPD**
- 6. Whether the plaintiff has not affixed the proper Court fee on plaint?OPD**
- 7. Whether the plaintiff has filed the present suit just to harass and humiliate the defendants?OPD**

6. Parties led their respective evidence.

7. The trial Court, vide judgment and decree dated 11.05.2023, awarded a sum of Rs.6 lakhs as compensation, while holding that Surender Singh had expired on account of having been mowed down by a stray bullock. The appeal filed by defendant No.2 was dismissed, whereas the cross-objections filed by the plaintiff, were partly allowed and while applying the principles applied in Motor Vehicular Accident cases, the plaintiff was held entitled to Rs.7,64,500/- along with interest @ 9% per annum from the date of filing of the suit till realization. Aggrieved of the same, the instant appeals have been filed by defendant No.2.

8. I have heard learned counsel for the parties.

9. Learned Senior Counsel appearing for the appellant has strenuously urged that both Courts erred in awarding compensation to the plaintiff. It has been argued that now a policy has been framed in pursuance of directions issued vide judgment dated 18.08.2023 passed in CWP-22904-2016 titled as 'Rajwinder Kaur and another Vs. State of Haryana and another' and other connected cases. It has been argued that compensation, if any, would be payable under the said policy.

9.1 It has further been argued that even otherwise, the Court of Additional District Judge, Bhiwani, erred in applying deduction of 1/4th of the amount on account of personal expenses of the deceased, whereas, the suit had been filed only by the widow of Surender Singh and all three children were major and, thus, it could not have been said that the said children were dependent upon the income of Surender Singh.

10. *Per contra*, learned counsel representing respondent Nos.1 to 4, has submitted that there is no illegality in impugned decisions. It has been argued that in so far as the policy is concerned, the same would apply prospectively and not retrospectively.

11. I have considered the submissions made by learned counsel for the parties.

12. Both Courts have recorded concurrent findings of facts as regards the death of Surender Singh on account of having been mowed down by the stray bullocks. It is not unknown that many such deaths take place on account of cattle attacking innocent pedestrians or suddenly coming on the roads, thereby causing accidents, which result into deaths, permanent disabilities, injuries etc. It is high time that the civic authorities are held responsible for the same. This Court finds no reason to interfere in the concurrent findings of facts, recorded by both Courts, regarding the death of Surender Singh as a result of him having been mowed down by the stray bullock.

13. Coming to the quantum of compensation, the same was assessed keeping in view the principles laid down by the Supreme Court of India in ***Sarla Verma and Ors. vs. Delhi Transport Corporation and Anr., (2009) 6 SCC 121***. This Court does not find any illegality in the same.

14. In so far as the deduction of 1/4th amount of the income of the deceased towards his personal expenses is concerned, no doubt, the suit was instituted by the plaintiff alone, her three children being majors. However, in our society, it cannot be said that the major children are not dependent upon the income of their father to some extent. Even if a father does not fully support the children, he does contribute a lot in many other ways, as a result of which he spends only a negligible amount upon himself. For a family of four, if one keeps in mind the principles laid down by the Hon'ble Apex Court in ***Sarla Verma's case (supra)***, a deduction of 1/4th amount for personal expenses, cannot be said to be erroneous. This Court is, therefore, not inclined to interfere in the said aspect as well.

15. Coming to the policy framed pursuant to the directions issued in ***Rajwinder Kaur's case (supra)***, the same would apply prospectively. No doubt, the plaintiff may also have been in a position to apply under the same, had she not filed the suit. However, once the suit had been filed and the same stands adjudicated upon by two Courts, this Court finds no reason to now relegate the plaintiff to the authorities concerned under the said policy.

16. That being so, the instant appeals are found to be devoid of merit and the same are accordingly dismissed.

17. Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

09.04.2026
ds

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No