



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

RSA-1706-2026 (O&M)
Date of Decision: 04.05.2026

PUNJAB STATE AND ANOTHER

....Appellants

Versus

**SUKHMANDAR SINGH (SINCE DECEASED) THROUGH HIS
LEGAL HEIRS AND ANOTHER**

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Dr. D. S. Lamba, Addl. A. G. Punjab and
Mr. G. S. Fateh, Sr. DAG, Punjab.

PARMOD GOYAL, J. (ORAL)

CM-6197-C-2026

For the reasons mentioned in the application, application for condonation of delay of 60 days in filing the appeal is allowed and the delay of 60 days in filing the present appeal, is hereby condoned.

Main Case

Present regular second appeal has been preferred by appellants-defendants being aggrieved by judgment and decree dated 23.11.2023 passed by learned Civil Judge (Senior Division), Barnala whereby suit for compensation by way of recovery of money for death of Lakhwinder Singh, son of respondents/plaintiffs on account of accident caused by collision with stray animals was decreed and compensation of Rs.20,00,000/- was allowed to respondents-plaintiffs, and by judgment and decree dated 23.12.2025 passed by learned District Judge, Barnala whereby appeal preferred by Municipal Council, Dhanaula-defendant No.2 was allowed absolving it from paying the compensation and appeal preferred by Appellant-State was

dismissed holding it solely responsible for making the payment of compensation.

2. In the present case, facts are not in dispute. The suit for recovery/compensation as damages on account of death of Lakhwinder Singh was preferred by respondents-plaintiffs i.e. mother and father of deceased-Lakhwinder Singh. It is the case of respondents-plaintiffs that on 07.10.2019 at about 09:00 PM, when Lakhwinder Singh along with Naresh Kumar was coming to Rampura from Chandigarh, motorcycle driven by him collided with a group of stray animals on National Highway near village Bathlan, causing injuries to Lakhwinder Singh and Naresh Kumar. On account of the said injuries, Lakhwinder Singh had died. The accident being a result of collision with stray animals, claimants had sought compensation from Municipal Council, Dhanaula, Barnala as well as State of Punjab.

3. The case set up by respondents-plaintiffs was denied by appellants-defendants. It was asserted that appellants-defendants have no liability to pay the compensation and they had denied the manner of occurrence. Respondents-plaintiffs had duly led their evidence and said evidence was duly accepted by both the Courts below to conclude that Lakhwinder Singh had died on account of accident caused by collision with stray animals, when he was coming on motorcycle on 07.10.2019.

4. Learned State counsel has tried to dislodge the findings given by both the Courts below. However, on consideration, I find that both the Courts below have rightly appreciated the evidence led by respondents-plaintiffs on the touchstone of standard of proof meant for civil cases i.e. preponderance of probabilities. The eye-witness/PW-2 was duly examined by respondents-plaintiffs who had duly proved the manner of occurrence as

was stated by respondents-plaintiffs. Death Certificate (Ex.C5) and other corroborative evidences were also duly taken into consideration by both the Courts below to conclude that deceased-Lakhwinder Singh had died on account accident caused by collision with stray animals. Therefore, I do not find any error in the conclusions drawn by learned Courts below on issue No.1, that respondents-plaintiffs are entitled to recovery of compensation as accident was caused by collision with stray animals.

5. Faced with above, learned State counsel has placed reliance upon policy of State formulated by State of Punjab called as “**The Punjab Compensation to the Victims of Animal Attacks and Accidents Policy, 2023**” in pursuance of directions of Hon’ble High Court in “CWP No.26758 of 2018 titled as **Hakam Singh Vs. State of Punjab and Others**”. It is argued that the said Policy of 2023 stands repealed by another Policy i.e. “**The Punjab Compensation to the Victims of Animal Attacks and Accidents Policy, 2025**”. That it is the committee formulated under the policy which alone can grant compensation and therefore, the respondents-plaintiffs ought to have applied for compensation only under the policy and no civil suit is maintainable.

6. However, I do not find any merit in the contention raised by learned counsel for appellant-State as the accident had taken place on 07.10.2019 whereas, policy had come only in 2023 and 2025. Therefore, the policy though would be guiding factor for the Civil Courts in old cases which were filed prior to notification of present schemes, would be applicable to limited extent. As per policy of 2025, the compensation has to be paid to the legal representatives of victims on the basis of compensation payable under the Motor Vehicles Act, 1988. Therefore, in the present case,

compensation of Rs.20,00,000/- keeping in view age and income of deceased cannot be held to be excessive. Similarly, learned First Appellate Court had rightly held defendant-Municipal Council not liable to pay compensation as no evidence was placed to show place of occurrence to be within municipal limits. There is no merit in the present appeal. Appeal is dismissed, accordingly.

7. Pending application(s), if any, is/are disposed of accordingly.

04.05.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No