

IN THE COURT OF DR. AMBIKA SHARMA, PCS,
CIVIL JUDGE (JUNIOR DIVISION), CHANDIGARH.
UID No.PB0495

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| Case Type | CS CJ | |
| Filing No. | 2051/2020 | Filing Date: 07.09.2020 |
| Registration No. | 1221/2020 | Registration Date: 08.09.2020 |
| CNR No. | CHCH02-002027-2020 | |
| Date of Decision | 29.11.2025 | |

Dr. Bhumika Gupta w/o Dr. Anil Kumar Sharma r/o House No.1843,
Nirvana Society, Sector 49-B, Chandigarh.

.....Plaintiff

Versus

1. Divya Setia w/o Sh. Manpal Setia r/o House No.1847, Nirvana Society, Sector 49-B, Chandigarh.
2. Manpal Setia r/o House No.1847, Nirvana Society, Sector 49-B, Chandigarh.
3. Municipal Corporation, Chandigarh through its Commissioner.

.....Defendants

Suit for recovery of Rs.30,000/- @ 18% per annum incurred by plaintiff on account of the medical and incidental expenses for curing/treating the injuries suffered owing to the negligent and neglectful act of dog bite done by the dog of the defendants No.1 & 2.

And

Suit for damages and compensation for an amount of Rs.2,00,000/- for causing reputational, economical, mental and social loss to the plaintiff.

And

Suit for permanent injunction restraining the defendants No.1 & 2 from keeping/retaining the impermissible numbers of dogs at residential accommodation/site in violation of rules/by-laws framed by the defendant No.3 particularly “The Chandigarh Registration of Pet Dogs Bye-Laws, 2010”.

And

Suit for mandatory injunction directing the defendant No.3 to take appropriate action against the defendant No.1 & 2 for keeping 5 pet dogs and to issue specific direction/order to defendants No.1 & 2 to adhere rules/by-laws framed by the defendant No.3 particularly “The Chandigarh Registration of Pet Dogs Bye-Laws, 2010”.

Present: Sh. Yugansh Siwach, counsel for plaintiff.
Sh. Gagandeep Goel, counsel for defendant No.1 & 2.
Defendant No.3 ex parte (VOD 17.10.2023).

JUDGMENT

Plaintiff has filed the present suit for recovery of Rs.30,000/- @ 18% per annum incurred by plaintiff on account of the medical and incidental expenses for curing/treating the injuries suffered owing to the negligent and neglectful act of dog bite done by the dog of the defendants No.1 & 2, suit for damages and compensation for an amount of Rs.2,00,000/- for causing reputational, economical, mental and social loss to the plaintiff, suit for permanent injunction restraining the defendants No.1 & 2 from keeping/retaining the impermissible numbers of dogs at residential accommodation/site in violation of rules/by-laws framed by the defendant No.3 particularly “The Chandigarh Registration of Pet Dogs Bye-Laws, 2010” and suit for mandatory injunction directing the defendant No.3 to take

appropriate action against the defendant No.1 & 2 for keeping 5 pet dogs and to issue specific direction/order to defendants No.1 & 2 to adhere rules/by-laws framed by the defendant No.3 particularly "The Chandigarh Registration of Pet Dogs Bye-Laws, 2010".

2. Brief facts of the present case are that on 18.01.2020, plaintiff put her washed clothes on the terrace in the morning for drying and in the afternoon when plaintiff visited for terrace for collecting the dried clothes, she found that the door approaching to the terrace was locked from terrace side. Plaintiff knocked the door and then it was found that defendant No.1 was available on the terrace with their 5 pet dogs and all of them were openly roaming/moving being uncontrolled and unchained. On request of plaintiff, defendant No.1 tried only 3 of them and opened the door. Plaintiff under the impression that all the dogs had been tied/chained moved on the terrace and found that two of them were still roaming/moving around being uncontrolled, unchained and without taking any measure to guard against any probable danger to human life. While plaintiff was collecting her clothes, one of the roaming dog started approaching plaintiff and on this plaintiff requested the defendant No.1 to keep/take it away as she was scared of dogs. However, while plaintiff was having conversation with the defendant No.1 requesting her to do the needful to keep/take the dogs away from her, then one of the dog suddenly attacked on plaintiff and pushed her whereupon she fell down. Thereafter, the dog attacked on the forehead and scalp of plaintiff and scratched the flesh thereof with its teeth bite causing degloving injury whereby an extensive section of skin was completely torn off the underlying tissue, severing its blood supply. The dog of the

defendants No.1 & 2 became more ferocious thereafter but somehow plaintiff managed to ran downstairs therefrom in the injured state by pressing/holding her injured forehead/scalp with her hands. When the plaintiff raised hue and cry, then other neighbours of the society came out and witnessed the entire happening. Plaintiff was thereafter taken to Hospital in the cab by defendant No.1 along with one another neighbour. Intimation to the police agency was given as the negligent act committed by defendant No.1 & 2 also constitutes an offence under Section 289 of IPC. However, both the defendant No.1 & 2 admitted their mistake and requested not to take any legal action. They further assured plaintiff to bear the expenditure of the treatment of plaintiff and also to adequately compensate plaintiff for the mental and physical pain/agony faced by plaintiff. On such an assurance given by the defendant No.1 & 2, plaintiff did not pursue the police complaint and accordingly, formal FIR could not be registered against them. Thereafter, plaintiff underwent the medical treatment for which plaintiff incurred around Rs.30,000/-. Plaintiff has not yet fully recovered from the injuries and as a result of the injuries, there is permanent disfigurement on the face of plaintiff and skin nearby the place of injury has not regained sensation and accordingly said portion of the skin has become permanently disable qua the sensory function. Moreover, due to the disfigurement of the face and medical treatment, plaintiff had to remain at home for around a week which also caused loss to plaintiff's professional and social life. Further, thereafter, plaintiff approached the defendant No.1 & 2 for fulfillment of the commitments made by them i.e. for reimbursement of the medical expenses as well as for the compensation but

defendant No.1 & 2 did not give any satisfactory reply. Even one email dated 20.02.2020 was also sent by plaintiff along with till 20.02.2020 medical expenditure but did not even bother to reply the same. Thus, this callous and uncaring attitude of the defendant No.1 & 2 clearly shows that they have now developed malice in their mind and they are not ready to fulfill their commitments. It is being clarified and stated that plaintiff had reserved all her legal rights and remedies reserved to take appropriate criminal legal action against them. Further, it is mentioned that plaintiff underwent the medical treatment for which plaintiff incurred around Rs.30,000/- and owing to the negligent conduct of them, plaintiff has suffered huge reputational, monetary and social loss apart from the mental pain and agony which cannot be compensated for any amount less than Rs.2,00,000/-. The plaintiff is entitled to recover the amount spent by her from the defendant No1 & 2. The negligent act of the defendant No.1 & 2 comes under the definition of “Tort” and makes them liable for the tortious liability apart from the criminal action under Section 289 of IPC. Further, plaintiff sent a legal notice dated 16.07.2020 to the defendant No.1 & 2 in this regard but all in vain. Further, defendant No.1 & 2 have kept more than 2 dogs at their residence in violence of rules/by-laws framed by the defendant No.3 particularly “The Chandigarh Registration of Pet Dogs Bye-Laws, 2010” and this act of the defendants needs to be controlled/corrected/rectified so as to minimize the probability of any future loss to anyone. Further, defendant No.3 has passed/framed the rules/by-laws in this regard but the same are not being adhered by the defendant No.1 & 2 as they have kept the pet dogs beyond the permissible limits. Hence, the

present suit.

3. Upon notice, defendant No.1 & 2 appeared and filed written statement by taking preliminary objections that the allegations levelled by plaintiff are baseless and without any supporting evidence, frivolous and are not sustainable in the eyes of law. Defendant No.1 & 2 have very high regard for the law and has neither performed any act against the law. In compliance to the various provisions of Chandigarh bye-laws, 2010, defendants had earlier kept only two pet dogs in her house as the permissible limit for keeping pet dogs in the residential vicinity is two and further the same were duly licensed and registered with MC, Chandigarh. The pet dog named Tyson was registered vide registration No.0732 and the other pet dog named Hachi was registered vide registration No.3757 and both the dogs are duly vaccinated. The dog named Tyson is no more, and therefore, presently defendants are only left with one pet dog. It is further mentioned that the day of alleged incident, defendant No.1 was on the roof top with her 2 dogs, which were duly chained. The plaintiff came to the roof top and started teasing the dogs by showing them sticks. As a consequence, the dog started barking at her. Due to this, her foot got stuck with pipes lying somewhere on the roof, and she fell on the ground, and as a result, she had sustained the alleged injury. Thereafter, defendant No.1 accompanied them to the nearby hospital in her car. It was requested by the defendant No.1 to rush to some nearby Government Hospital like Government Hospital, Sector 32, Chandigarh. The plaintiff however, neither went to any nearby hospital or any government hospital, rather went to Indus Hospital, Mohali where she had been working as a doctor, since last many years. The alleged medical

record of the treatment received by the plaintiff has been made from Indus Hospital, where she had used her superior position in getting documents prepared. It is further mentioned that a doctor cannot be expected to work like a layman, since a doctor is completely aware of medical and legal procedure, which needs to be followed. In this case, if there is an allegations of dog bite, then an MLR which was a mandatory requirement should have been done, to ascertain the authenticity and extent of injury as there was no dog bite and MLR report would have shown that. Further, defendant No.1 was not allowed to go inside the hospital as the plaintiff went inside and got some treatment done. After few days, the plaintiff started threatening the defendants with dire consequences and asked for damages and compensation and also threatened to lodge a police complaint against the defendants. The plaintiff had been blackmailing and coercing the defendants to pay Rs.2.5 Lakh, failing which they will lodge some false claim. Further, defendant No.1 & 2 had been working for this social and noble cause since 2001, wherein, from year 2001-20 she had rescued more than 20 cows, 22 snakes and rescued and fostered numerous animals including dogs, squirrels, rats and cats. To be more specific, the defendant No.1 & 2 from 2001 to 2005 had rescued and fostered more than 40 birds, 10 street dogs and 4 cats. From 2005-2009, the defendant No.1 & 2 had again rescued and fostered 150 birds, 60 dogs, 3 cats and 16 snakes. Further, defendants had been doing this social and noble cause for the last more than 20 years and no human being had ever been harmed. The defendants further wish to state that the work and conduct of the defendants was so much appreciated that the an NGO i.e. PEEDU PEOPLE WELFARE SOCIETY, has even join

hands with the defendants, and vide a letter dated 04.03.2018 had approved the house of the defendants as a foster home for sick and injured animals under the foster care program, wherein the food and medical aid for the sick and injury animal shall be borne by NGO. Further, plaintiff is abusing the process of law by seeking such frivolous reliefs which are clearly barred by Section 41(h) of Specific Relief Act. No relief can be granted when the efficacious remedy is available. The remedy available to the plaintiff is under Punjab Municipal Corporation Act, 1976 and therefore, this Hon'ble Court cannot grant any such relief as claimed in the present suit. On merits, it is mentioned that the defendants presently is having only one pet dog (as the other died) which are duly permissible as per Chandigarh bye-laws 2010. Rest of the averments have been denied by defendant No.1 & 2 and a prayer for dismissal of the present suit has been made.

4. Upon notice, defendant No.3 appeared and filed written statement by taking preliminary objections that the present suit is not maintainable as no negligent or any other unlawful act has been committed by the defendant No.3. The Chandigarh Administration Department of Local Government vide notification dated 07.06.2010 had made Bye-Laws which are called as the Chandigarh Registration of Pet Dogs Bye-Laws, 2010, which were later on amended on 21.07.2020 by way of notification. As per the said Bye-Laws, a family which is living within the jurisdiction of Municipal Corporation, Chandigarh can only keep a maximum of two dogs that too after proper registration as prescribed in the Bye-Laws. The defendant No.1 & 2 had in the violation of the said Bye-Laws kept four dogs, which are beyond the prescribed limit and therefore, on 08.10.2020, a

Challan No.036419 was issued to the defendant No.1 for violating the said Bye-Laws. Against the said challan issued to the defendant No.1, defendant No.1 had preferred an appeal before the Commissioner of Municipal Corporation, Chandigarh vide appeal dated 14.10.2020, which was also rejected by passing a speaking order on 12.02.2021. Even action as provided under the Bye-Laws is being taken against the defendant No.1 & 2 by the defendant No.3, but the defendant No.1 & 2 had failed to comply with the provisions of the Bye-Laws. On merits, all the averments have been denied by defendant No.3 and a prayer for dismissal of the present suit has been made. During the pendency of the present suit, defendant No.3 failed to appear and was accordingly, proceeded against ex parte vide order dated 17.10.2023.

5. From the pleadings of the parties, following issues were framed on 19.01.2023:-

1. *Whether the plaintiff is entitled for relief of recovery along with interest as prayed for? OPP*
2. *Whether the plaintiff is entitled for damages and compensation for an amount of Rs.2,00,000/- for causing reputational, economical, mental and social loss to the plaintiff as prayed for? OPP*
3. *Whether the plaintiff is entitled for relief of permanent injunction as prayed for? OPP*
4. *Whether the plaintiff is entitled for relief of mandatory injunction as prayed for? OPP*
5. *Whether the plaintiff has concealed the material facts from the court? OPD*
6. *Whether the suit is not maintainable? OPD*
7. *Relief.*

6. In order to prove her case, plaintiff examined Gursimran, Sanitary Inspector, Office of Medical Officer of Health, Sector 17, Branch

Office of MC Office, Chandigarh as PW-1 who deposed that he has brought the summoned record pertaining to the challan issued to Divya Satia for keeping four dogs in the house. On inspection, it was found that Divya Satia was keeping four dogs in the house against the permissible limit of two dogs in the house and accordingly she was challaned for the same by MC, Chandigarh on 08.10.2020 and the copy of the challan is Ex.P1. The bye-laws regarding permissible limit of two dogs is Ex.P2. Thereafter, Divya Setia preferred/filed a request for cancellation/quashing/setting aside of the above said challan and her request was rejected vide speaking order dated 15.12.2020 which is Ex.P3. The challan is till date unpaid by Divya Setia which was for an amount of Rs.5,000/-.

7. Plaintiff further examined herself as PW-2 and tendered into evidence her affidavit Ex.PW-2/A reiterating the averments made in the plaint and same are not reproduced here for the sake of brevity. In documentary evidence, she has placed on record documents i.e. discharge summary as Ex.P4/A, invoice as Ex.P5, receipt as Ex.P6, receipt voucher as Ex.P7, estimated IPD bill as Ex.P8, invoices as Ex.P9 to Ex.P12, prescription as Ex.P13, copy of Aadhar Card of plaintiff as Ex.P14 & photographs Ex.P15 to Ex.P20.

8. Plaintiff further examined Satwinder Singh, Security Incharge, Indus Hospital, Phase 3BII, Mohali as PW-3 who deposed that he has brought the summoned record i.e. record pertaining to the hospitalization of patient namely Bhumika Gupta who reported to hospital with the injury of Grade II Dog bite. She remained under day care for the period 06.46 PM to 08.54 PM on 18.01.2020 against UHID No.1H/97498/20. He has brought

the IPD Bill No.7560 amounting to Rs.3436/- against which after discount Rs.2500/- was charged by their hospital and the same is Ex.P-21. The patient herself had brought medicines through her husband as per Ex.P5, Ex.P6, Ex.P9, Ex.P10 to Ex.P12. His authority letter is Ex.P22.

9. Plaintiff further examined Dr. Akash Sarangal, Consultant Plastic Surgery, Indus Hospital, Phase I, Mohali as PW-4 who deposed that he has brought the treatment record of the patient Bhumika w/o Anil Sharma. The patient Bhumika was admitted in Indus hospital on 18.01.2020 as a case of dog bite with degloving injury over at face. Due to dog bite, right forehead skin was degloved from hairline uptill eyebrow with multiple skin segments, some parts of base with exposed frontal bone. Due to the injury the right supra orbital nerve was avulsed too. The said nerve supplies sensation to above forehead and scalp. The patient was admitted in the hospital and treated. The entire treatment record of patient is Ex.P21. The patient was discharged on the same day i.e. 18.01.2020 at 08.54 PM. He has seen the discharge summary on record i.e. Ex.P4A and he identified his signatures at point A on Ex.P4A. He has also seen the photographs Ex.P15 to Ex.P20 and the patient appearing in these photographs had been treated by him. During surgery the disturb anatomy of the involved area was restored by plastic surgery. The patient was also administered anti-rabies immunoglobulins injunctions intra operative. She was advised for anti-rabies vaccination for prevention of complications due to dog bite as already mentioned at point B & C of Ex.P4A. Due to cut in the supra orbital nerve, the sensation over the forehead of the patient is decreased and is not curable. He has also checked the patient on OPD basis on 12.02.2020 and

01.02.2020 and prescribed the treatment as mentioned in Ex.P13. He identified his signatures at point A and B on Ex.P13. The patient is having scar on the forehead which is hardly going to vanish in future.

10. No other evidence has been led by the plaintiff and same was closed by counsel for plaintiff, vide separate statement dated 02.07.2025.

11. On the other hand, to rebut the case of plaintiff, defendant No.1 examined herself as DW-1 who tender into evidence her affidavit Ex.DW1/A towards her examination-in-chief reiterating the averments made in the written statement and same is not reproduced for the sake of brevity. In documentary evidence, she has placed on record documents i.e. copy of showing registration as Mark DW1/1, vaccination report as MarkDW1/2, copy of approval letter dated 04.03.2018 as Mark DW1/3, copy of letter dated 01.01.2020 Mark DW1/4 & copy of letter dated 12.09.2020 as Mark DW1/5.

12. No other evidence has been led by defendants and same was closed by court orders, vide order dated 06.11.2025.

13. I have heard the learned counsel for the parties and have perused the case file thoroughly and carefully. My issues wise findings are as under:

Issue No.1

14. The onus to prove issue No.1 was upon the plaintiff. Plaintiff has filed the present suit for recovery of Rs.30,000/- @ 18% per annum incurred by plaintiff on account of the medical and incidental expenses for curing/treating the injuries suffered owing to the negligent and neglectful act of dog bite done by the dog of the defendants No.1 & 2, suit for damages

and compensation for an amount of Rs.2,00,000/- for causing reputational, economical, mental and social loss to the plaintiff, suit for permanent injunction restraining the defendants No.1 & 2 from keeping/retaining the impermissible numbers of dogs at residential accommodation/site in violation of rules/by-laws framed by the defendant No.3 particularly "The Chandigarh Registration of Pet Dogs Bye-Laws, 2010" and suit for mandatory injunction directing the defendant No.3 to take appropriate action against the defendant No.1 & 2 for keeping 5 pet dogs and to issue specific direction/order to defendants No.1 & 2 to adhere rules/by-laws framed by the defendant No.3 particularly "The Chandigarh Registration of Pet Dogs Bye-Laws, 2010".

15. As per the contents, it is mentioned that on 18.01.2020, plaintiff put her washed clothes on the terrace in the morning for drying and in the afternoon when plaintiff visited for terrace for collecting the dried clothes, she found that the door approaching to the terrace was locked from terrace side. Plaintiff knocked the door and then it was found that defendant No.1 was available on the terrace with their 5 pet dogs and all of them were openly roaming/moving being uncontrolled and unchained. On request of plaintiff, defendant No.1 tried only 3 of them and opened the door. Plaintiff under the impression that all the dogs had been tied/chained moved on the terrace and found that two of them were still roaming/moving around being uncontrolled, unchained and without taking any measure to guard against any probable danger to human life. While plaintiff was collecting her clothes, one of the roaming dog started approaching plaintiff and on this plaintiff requested the defendant No.1 to keep/take it away as she was scared

of dogs. However, while plaintiff was having conversation with the defendant No.1 requesting her to do the needful to keep/take the dogs away from her, then one of the dog suddenly attacked on plaintiff and pushed her whereupon she fell down. Thereafter, the dog attacked on the forehead and scalp of plaintiff and scratched the flesh thereof with its teeth bite causing degloving injury whereby an extensive section of skin was completely torn off the underlying tissue, severing its blood supply. The dog of the defendants No.1 & 2 became more ferocious thereafter but somehow plaintiff managed to ran downstairs therefrom in the injured state by pressing/holding her injured forehead/scalp with her hands. When the plaintiff raised hue and cry, then she was taken to hospital. Intimation to the police was given as the negligent act committed by defendant No.1 & 2 also constitutes an offence under Section 289 of IPC. However, both the defendant No.1 & 2 admitted their mistake and requested not to take any legal action. They further assured plaintiff to bear the expenditure of the treatment of plaintiff and also to adequately compensate plaintiff for the mental and physical pain/agony faced by plaintiff. On their assurance, plaintiff did not pursue the police complaint and accordingly, formal FIR could not be registered against them. Thereafter, plaintiff underwent the medical treatment for which plaintiff incurred around Rs.30,000/-. Plaintiff has not yet fully recovered from the injuries and as a result of the injuries, there is permanent disfigurement on the face of plaintiff and skin nearby the place of injury has not regained sensation and accordingly said portion of the skin has become permanently disable qua the sensory function. Moreover, due to the disfigurement of the face and medical treatment,

plaintiff had to remain at home for around a week which also caused loss to plaintiff's professional and social life. Further, thereafter, plaintiff approached the defendant No.1 & 2 for fulfillment of the commitments made by them i.e. for reimbursement of the medical expenses as well as for the compensation but they refused. Even one email dated 20.02.2020 was also sent by plaintiff along with till 20.02.2020 medical expenditure but did not even bother to reply the same. Plaintiff underwent the medical treatment for which plaintiff incurred around Rs.30,000/- and owing to the negligent conduct of them, plaintiff has suffered huge reputational, monetary and social loss apart from the mental pain and agony which cannot be compensated for any amount loss than Rs.2,00,000/-. The plaintiff is entitled to recover the amount spent by her from the defendant No1 & 2. Hence, the present suit.

16. Upon notice, defendant No.1 & 2 appeared and filed written statement by taking preliminary objections that the allegations levelled by plaintiff are baseless and without any supporting evidence, frivolous and are not sustainable in the eyes of law as the story portrayed before the court is totally a concocted story. Defendant No.1 & 2 have very high regard for the law and has neither performed any act against the law, nor can think of committing any illegal act or offence which is not permissible under the law. In compliance to the various provisions of Chandigarh bye-laws, 2010, defendants had earlier kept only two pet dogs in her house as the permissible limit for keeping pet dogs in the residential vicinity is two and further the same were duly licensed and registered with MC, Chandigarh. The pet dog named Tyson was registered vide registration No.0732 and the other pet dog

named Hachi was registered vide registration No.3757 and both the dogs are duly vaccinated. The dog named Tyson is no more, and therefore, presently defendants are only left with one pet dog. Further, it is mentioned that the allegations of dog bite on the forehead as levelled by the plaintiff is totally vague and misleading. Further, the day of alleged incident, defendant No.1 was on the roof top with her 2 dogs, which were duly chained. The plaintiff came to the roof top and started teasing the dogs by showing them sticks. As a consequence, the dog started barking at her. Due to this, her foot got stuck with pipes lying somewhere on the roof, and she fell on the ground, and as a result, she had sustained the alleged injury. The story portrayed by the plaintiff is totally false, as the dogs were duly chained whole the time. Thereafter, defendant No.1 accompanied them to the nearby hospital in her car. It was requested by the defendant No.1 to rush to some nearby Government Hospital like Government Hospital, Sector 32, Chandigarh. The plaintiff however, neither went to any nearby hospital or any government hospital, rather went to Indus Hospital, Mohali where she had been working as a doctor, since last many years. The alleged medical record of the treatment received by the plaintiff has been made from Indus Hospital, where she had used her superior position in getting documents prepared. It is further mentioned that a doctor cannot be expected to work like a layman, since a doctor is completely aware of medical and legal procedure, which needs to be followed. In this case, if there is an allegations of dog bite, then an MLR which was a mandatory requirement should have been done, to ascertain the authenticity and extent of injury as there was no dog bite and MLR report would have shown that. Further, defendant No.1

was not allowed to go inside the hospital as the plaintiff went inside and got some treatment done. After few days, the plaintiff started threatening the defendants with dire consequences and asked for damages and compensation and also threatened to lodge a police complaint against the defendants. The plaintiff had been blackmailing and coercing the defendants to pay Rs.2.5 Lakh, failing which they will lodge some false claim. Further it is mentioned that plaintiff is having some personal grudge against the defendants and her dogs, and therefore, the present civil suit has been filed against the defendants. Further, defendants being an affectionate person towards animal, had been voluntarily working as a saviour of animals, wherein they had rescued more than 1500 animal, birds, snakes etc. from different places and had been providing a foster care for various animals since last many years. Hence, a prayer for dismissal of the present suit has been made.

17. In order to prove his case, plaintiff examined herself as PW-2 and tendered into evidence her affidavit Ex.PW-2/A reiterating the averments made in the plaint and same are not reproduced here for the sake of brevity. She was cross-examined by counsel for defendants at length but nothing material came out in their favour.

18. Plaintiff further examined Dr. Akash Sarangal, Consultant Plastic Surgery, Indus Hospital, Phase I, Mohali as PW-4 who deposed that he has brought the treatment record of the patient Bhumika w/o Anil Sharma. He further deposed in his examination-in-chief that the patient Bhumika was admitted in Indus hospital on 18.01.2020 as a case of dog bite with deg-loving injury cover at fact. Due to dog bite, right forehead skin was

degloved from hairline up-till eyebrow with multiple skin segments, some parts of base with exposed frontal bone. Due to the injury the right supra orbital nerve was avulsed too. The said nerve supplies sensation to above forehead and scalp. The patient was discharged on the same day i.e. 18.01.2020 at 08.54 PM. He has seen the discharge summary on record i.e. Ex.P4A and he identified his signatures at point A on Ex.P4A. He has also seen the photographs Ex.P15 to Ex.P20 and the patient appearing in these photographs had been treated by him. During surgery the disturb anatomy of the involved area was restored by plastic surgery. The patient was also administered anti rabies immunoglobulins injunctions intra operative. She was advised for anti-rabies vaccination for prevention of complications due to dog bite which proves the case of the plaintiff.

19. Counsel for defendant has vehemently argued that the plaintiff has concealed the material facts from the court that she has never disclosed that she is working in Indus Hospital and she has intentionally gone there. This argument of the counsel for defendants is without any merits and does not find favour with the court as it is natural human conduct if a person working in hospital then he or she will have trust on that hospital that she will get good treatment and would like to go there only, so this argument is of no help to defendant. Further, counsel for defendants argued that Dr. Akash Sarangal examined by plaintiff as PW4, he was known to plaintiff so he deposed in her favour. This argument is also devoid of any merits because even if doctor knows her or not it does not matter as he has brought the record of patient i.e. discharge summary pertaining to the patient i.e. plaintiff and it has come on record that on 18.01.2020 i.e. the date of

incident, she came to the hospital as a case of dog bite with degloving injury over at face. During surgery the disturb anatomy of the involved area was restored by plastic surgery and patient was also administered anti-rabies immunoglobulins injunctions intra operative.

20. Counsel for defendants in cross-examination of PW2 inter-alia asked her question that if she is working in Indus Hospital. Further question was asked to her that Dr. Aakash was junior or senior to her. Further, it has come on record that she does not know whether Dr. Akash Sarangal is junior or senior to her in Designation as he is posted at Mohali as Plastic surgeon which is of no help to defendant. Further, it has inter-alia come in the cross-examination that, "she went to the upstairs on the roof on the day of incident and the defendant No.1 asked her to wait as the dogs were untied and when she actually entered on the roof, two dogs were tied whereas rest of 3 dogs were roaming around. After few minutes while he was in conversation with defendant No.1 and her son suddenly one of the tied dog attacked her from the front and she fell down on her back and after the attack of dog, she saved the skin from her forehead on the right side got separated/handing and was bleeding which proves the occurrence of the incident.

21. Defendants in their written statement has denied of having kept four dogs against the permissible limit of two dogs, but defendant No.3 Municipal Corporation in his written statement has mentioned that defendant No.1 & 2 had in the violation of the said Bye-Laws kept four dogs, which are beyond the prescribed limit and therefore, on 08.10.2020, a challan No.036419 was issued to the defendant No.1 for violating the said Bye-Laws and against the said challan, defendant No.1 had preferred an

appeal before the Commissioner of Municipal Corporation, Chandigarh which was also rejected which also substantiates the case of plaintiff.

22. To rebut the case of plaintiff, defendant No.1 examined herself as DW-1 who tendered into evidence her affidavit Ex.DW1/A towards her examination-in-chief reiterating the averments made in the written statement. In cross-examination of DW1 she inter-alia deposed that she has not brought the copy of the challan issued by MC, Chandigarh and she will bring the same on the next date of hearing. Voluntarily stated that the said challan was wrongly issued by MC, Chandigarh against her. Further, she admitted that she has seen challan by the MC, Chandigarh for keeping unregistered dogs, but she has not brought the record as the same was not available with her which proves that she had kept number of dogs in violation of Bye-Laws. Further, voluntarily she stated that challan got cancelled but he could not bring on record the same as stated by her in cross-examination in voluntarily portion. She further deposed that on that day i.e. date of challan, there were total four dogs were with her, out of which two dogs were owned by her and two were one of her friend, who went out of station for limited time period. She admitted in her cross-examination of having four dogs which is against the permissible limits of Bye-Laws. Further, it has come on record that she aware about the incident which happened on 18.01.2020. Dr. Bhumika Gupta was her neighbour residing in the 2nd floor of Society. Again she stated that she was not known to her earlier and were not having any dispute and difference till 2020. She further deposed that on 18.01.2020, she was keeping two dogs namely Tyson and Hachi which is improved version from the earlier version in

which she has inter-alia stated that she is aware of the incident happened, she was neighbour which further shattered her credibility. Further, stated that she does not remember whether the pipes were lying on roof or not which is totally contradiction with the affidavit. In her affidavit as Ex.DW1/A, she has mentioned in para No.2 that the foot of the plaintiff got struck in the pipes which again shattered her credibility. She further deposed in her cross-examination that she does not possess any document which could establish that the injury sustained by Dr. Bhumika is not of dog bite which further goes in favour of plaintiff.

23. Defendants in written statement as mentioned that she is animal lover and has rescued more than 1500 animals, birds, snake etc., but it is settled law that a master who is aware of the vicious propensities of the animal kept by him is bound to take care of the same that such vicious propensities do not pose a danger to human beings living around him. Defendants in this case have been proved not only negligent but also violator of bye-laws which has come on record in written statement of MC-defendant No.3 that challans were issued in violation of bye-laws of MC of keeping the dogs against permissible limits and plaintiff has proved that she in fact on the relevant date had suffered the injuries of dog bite which was kept by the defendant No.1 & 2. Hence, from above discussion, after perusal of record and after appreciation of evidence and after hearing arguments of both the counsels for the parties, this court is of the considered opinion that preponderance of probabilities lies in favour of the plaintiff and plaintiff has been successful in discharge the onus of this issue which was placed upon her. Plaintiff is entitled for the recovery of the medical expenses as prayed

for. Therefore, this issue is partly decided in favour of the plaintiff and against the defendant.

Issue No.2

24. Onus to prove this issue was upon plaintiff. Plaintiff has asked for Rs.2 Lakh as compensation but in the opinion of court, this court deems it appropriate to grant her compensation of Rs.1 Lakh for suffering injuries due to dog bite as there is permanent disfigurement of the face and skin nearby the place of injury which has not been regained sensation and said portion of the skin has become permanently disabled qua the sensory function and she had to undergo plastic surgery. Interest of justice demands that she be granted compensation of Rs.1 Lakh for causing reputational, economical, mental and social loss. Hence, this issue is partly decided in favour of plaintiff and against the defendants.

Issue No.3

25. The onus to prove issue No.3 was upon the plaintiff. Vide present suit, plaintiff wants permanent injunction restraining defendants No.1 & 2 from keeping/retaining the impermissible numbers of dogs at residential accommodation in violation of rules/bye-laws. The injunction which has been asked by plaintiff cannot be granted at this stage as it involves continuous duty which cannot be performed by the court as it cannot be anticipated that at present the defendant is keeping how many dogs. Therefore, no such relief of permanent injunction as prayed for by the plaintiff can be granted in her favour. However, plaintiff is at liberty to approach the Municipal Corporation, Chandigarh if feels aggrieved by any negligent conduct of defendant No.1 & 2 and thereafter, Municipal

Corporation can treat application of the plaintiff as per rules for that purpose. Accordingly, this issue is decided against the plaintiff and in favour of defendants.

Issue No.4

26. The onus to prove issue No.4 was upon the plaintiff. At the time of filing the present suit, as per incident and fact of the case, defendant had allegedly kept 4 dogs and MC in written statement has mentioned that on 08.10.2020, a challan No.036419 was issued to the defendant No.1 for violating the said bye-laws. Accordingly, this issue has become redundant.

Issue No.5

27. The onus to prove issue No.5 was upon the defendants. No evidence has been led by the defendants as to what material facts plaintiff has suppressed from the court. Accordingly, this issue is decided in favour of the plaintiff and against the defendants.

Issue No.6

28. The onus to prove issue No.6 was upon the defendants. No evidence has been led by the defendants as to how the suit is not maintainable. Accordingly, this issue is decided in favour of the plaintiff and against the defendants.

Relief

29. In view of my above discussion and findings given on issue on Issue No.1, the suit of the plaintiff stands decreed partly and plaintiff is entitled to recover a sum of Rs.30,000/- from the defendant No.1 & 2 on account of the medical and incidental expenses for curing/treating the injuries suffered owing to the negligent and neglectful act of dog bite done

by the dog of the defendant No.1 & 2. As far as rate of interest is concerned, plaintiff has claimed interest @ 18% per annum, which is, too, exorbitant. Therefore, the plaintiff is granted simple interest @ 9% per annum from the date of filing of the suit till the date of decree and @ 6% from the date of decree till its realization. Further, plaintiff is also entitled for damages and compensation of Rs.1 Lakh for causing reputational, economical, mental and social loss from the defendant No.1 & 2. Decree sheet be prepared accordingly. After due compliance, file be consigned to the record room.

Pronounced:
29.11.2025

(Dr. Ambika Sharma)PCS
Civil Judge (Junior Division)
Chandigarh UID No. PB0495

Note: This judgment of mine consists of 24 pages and each page has been dictated, checked and signed by me.

(Dr. Ambika Sharma)PCS
Civil Judge (Junior Division)
Chandigarh UID No. PB0495

Sandeep Kumar/Stenographer-II

Present: Sh. Yugansh Siwach, counsel for plaintiff.
Sh. Gagandeep Goel, counsel for defendant No.1 & 2.
Defendant No.3 ex parte (VOD 17.10.2023).

Today the case was fixed for rebuttal evidence as well as for addressing arguments. Rebuttal evidence is hereby closed by court orders. Arguments heard. Vide my separate detailed judgment of even date, the suit of the plaintiff is partly decreed with costs, as detailed therein. Decree sheet be prepared, accordingly. After due compliance, file be consigned to the record room.

Pronounced:
29.11.2025

(Dr. Ambika Sharma)PCS
Civil Judge (Junior Division)
Chandigarh UID No. PB0495

*Sandeep Kumar
Stenographer-II*