

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2408/2015

(KHATUNBI BAKTIYAR AHMAD & ANOTHER **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.J. Pathak, counsel for the petitioners.
 Shri N.R. Rode, A.G.P. for the R-1.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : SEPTEMBER 9, 2015.

By this petition, the petitioners seek a direction to the respondents to grant compensation to the tune of Rupees Five Lacs on account of negligence on the part of the respondents in not safeguarding the well in the residential area.

According to the petitioner, her son fell in a well, which was not protected by sufficient safeguards on 31.01.2011. According to the petitioner, despite the representations made by the petitioner for grant of compensation and damages in view of the loss caused to the petitioner due to the death of her son, the respondents had not considered the representations favourably. The petitioner has, therefore, filed the writ petition for a direction to the respondents to jointly and severally pay compensation of Rupees Five Lacs along with interest to the petitioner.

The prayer made in the writ petition cannot be granted in exercise of the writ jurisdiction. Whether the respondents were negligent in not safeguarding the well could be decided by a Civil Court after permitting the parties to tender evidence, both, oral and documentary. Several disputed questions of facts may arise in this writ petition. The issues arising in the writ petition cannot be decided in exercise of the writ jurisdiction. Hence, we decline to entertain the writ petition.

The writ petition is disposed of with no order as to

costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

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