

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6709 of 2014

Date of Decision: 14.01.2016

Rohit Wadhwa

... Petitioner(s)

Versus

Union of India

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Parminder Singh, Advocate
for the appellant(s).

Shekher Dhawan, J.

Present petition is against order dated 8.9.2014, whereby application filed by the petitioner for making correction in the judgment in case No. OA-II/107/2009 regarding share of minor son Lakshya to be transferred in the name of his father i.e. petitioner-Rohit Wadhwa.

Relevant facts for the purpose of decision of the petition are that there were two separate claim petitions before the Railway Claims Tribunal, Chandigarh on account of death of Nish Wadhwa (wife of petitioner-Rohit Wadhwa) and minor daughter Shaurya. The award was pronounced in favour of petitioner-Rohit Wadhwa and his son Lakshya as regard to death of Nish Wadhwa. However, in another claim petition on account of death of daughter Shaurya, claim petition was filed by Rohit Wadhwa and compensation of ₹ 4,00,000/- was also awarded.

As per petitioner, in claim petition No. OA-II/107/2009, the

petitioner had taken the plea that petitioner being father of Shaurya is entitled to the claim of compensation in respect of death of Smt. Nish Wadhwa wife of the petitioner and mother of minor son Lakshya. However, the Tribunal failed to take into consideration the fact that minor Lakshya was not dependent upon his sister Shaurya (since deceased) and the said correction can be made in the order without any limitation. Petitioner prayed that present petition be accepted and order dated 8.9.2014 be set aside.

Having considered the submissions made by learned counsel for the petitioner, this Court is of the view that the Railway Claims Tribunal in its order dated 8.9.2014 rightly dealt with the matter that Lakshya was also dependent and covered as per definition of dependent given in Section 123(b) of the Railway Act, 1989. The word "dependency" is not restricted to economic dependence but dependence of love, affection, care and protection of the deceased passenger as well and as such petitioner Rohit Wadhwa along with his minor son Lakshya are dependents. Such a view was taken by Division Bench of this Court in ***Dhyan Singh and Another v. Union of India and Others*** **2009(2) RCR (Civil) 26.**

In view of above, there is apparently no illegality in the order dated 8.9.2014 and the present petition is without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

January 14, 2016
"DK"