

CWP No.6114 of 2011

[1]

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

**CWP No.6114 of 2011
Date of decision:01.06.2016**

Smt. Omwati Devi and another ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. J.P.Sharma, Advocate,
for the petitioners.

Mr. P.P.Chahar, DAG, Haryana.

Mr. Arun Sharma, Advocate,
for respondent No.6.

Rakesh Kumar Jain, J.

The petitioners are the parents of one Subhash Chand who suffered burn injuries because of fire on 19.04.2008. Subhash Chand recorded the DDR No.19 dated 21.04.2008 at Police Station Mohindergarh and died at SMS Hospital, Jaipur, on 24.04.2008. The petitioners have claimed ₹1 lac in terms of the Rajiv Gandhi Parivar Bima Yojna (hereinafter referred to as the "Bima Yojna"), implemented in the State of Haryana w.e.f. 28.03.2008, as per which, in case of unnatural death, a sum of ₹1 lac is given to the beneficiaries.

In the reply filed by the respondents, it is alleged that the deceased was under the influence of liquor at the time of accident and succumbed to the injuries and, thus, the petitioners are not entitled for the amount, as claimed by them, in view of Clause 3(ii)(b)(a) of the Bima Yojna.

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I have heard learned counsel for the parties and perused the available record.

The Government of Haryana, Social Justice and Empowerment Department, informed all the Heads of the Districts and Sub Divisions vide its letter dated 15.04.2008 that the Government has entered into a MOU with Reliance General Insurance Company Limited for implementing the Bima Yojna w.e.f. 28.03.2008 for one year. The terms and conditions of the Bima Yojna were laid down, in which it is provided that the beneficiaries shall be paid ₹1 lac in case the death is caused due to unnatural event except self-injury, suicide or attempted suicide or while under the influence of alcoholic drinks or drugs. In this case, the DDR was lodged by the deceased himself, which is on record as Annexure P-1, in which the deceased had stated that he had consumed half bottle of liquor and when he reached his house, there was no electricity in the room and accidentally, the earthen lamp (chimney) fell on his clothes, as a result hereof, he was burnt.

In view of the fact that the aforesaid statement has been made by none else than the deceased himself, in which he admitted that he was under the influence of liquor so much to the extent that he had consumed half bottle of liquor, the petitioners could not be held entitled for the amount, as claimed, under the Bima Yojna as this case would fall within the exception, as stated here-in-above.

Consequently, I do not find any merit in the present petition and hence, the same is hereby dismissed.

June 01, 2016
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(Rakesh Kumar Jain)
Judge