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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 951/2016

SUDESH KUMARI

..... Petitioner

Through: Ms. Manpreet Kaur, Adv.

versus

GOVERNMENT OF NCT OF DELHI AND ORS..... Respondents

Through: Mr. Shoumik Mazumdar with Mr.

Pankaj Seth, Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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12.02.2016

CM Appl.4102/2016

Exemption allowed, subject to just exceptions.

W.P.(C) 951/2016 & CM Appl.4101/2016

The present writ petition has been filed seeking a direction to the respondents to give compensation of Rs. 5,00,000/- as per the insurance policy along with interest @ 18% per annum from 3rd August, 2007 till the date of realisation.

Learned counsel for the petitioner states that the claim of the petitioner-wife was repudiated by respondent no. 3-NICL only on the ground that as per MLC, the deceased-husband was under the influence of liquor.

According to learned counsel for petitioner, since Viscera was not preserved by the Doctor and blood sample of the deceased was

not taken and his breath test was not checked at the relevant time, it cannot be said that the deceased was under the influence of alcohol.

She further states that the finding given by the Doctor in its MLC was not based on any document and, therefore, said observation cannot be a ground for rejection of petitioner's claim.

Learned counsel for petitioner further states that the present petition has been filed in view of the liberty granted by the Central Administrative Tribunal while dismissing OA No.1806/2014 vide order dated 28th April, 2015 .

However, in the opinion of this Court, there are disputed questions of facts involved in the present writ petition and the Doctor who gave the medical opinion would have to be cross-examined.

Consequently, the present writ petition and application are dismissed with liberty to the petitioner to file appropriate legal proceedings in accordance with law.

MANMOHAN, J

FEBRUARY 12, 2016
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