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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4353/2010

SAVITRI DEVI

Through

..... Petitioner

Mr. A.C. David with Mr. A.K.
Choudhary, Advocates

versus

THE PUBLIC WORKS DEPARTMENT
& ANR.

Through

..... Respondents

Mr. Sanjoy Ghosh, ASC (Civil) and
Mr. Yash S. Vijay, Advocate with
Mr. J.P. Singh, Ex. Eng. for R-1.
Mr. M.C. Sharma, Proxy Counsel for
Mr. J.S. Arya, Advocate with Mr.
U.B. Tripathi, Director, Mr. S.K.
Singh, Ex. Eng. And Mr. A.K.
Bhardwaj, Asst. Eng. for R-2/DJB.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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12.01.2016**CM APPL. 17197/2015**

Present application has been filed for impleadment of legal heirs of late Shri Vinod Kumar as co-petitioners. Learned counsel for the applicants states that petitioner no. 1 represents their interest and petitioner no. 1 has no interest adverse to that of the applicants/minors.

Issue notice.

Mr. Sanjoy Ghosh, learned additional standing counsel accepts notice on behalf of respondent no. 1. Mr. M.C. Sharma, Advocate accepts notice on behalf of respondent no. 2. They state that they have no objection to the present application being allowed.

Consequently, present application is allowed and Mr. Rahul, Ms. Priyanka and Ms. Preeti are allowed to sue through their mother, petitioner no. 1 herein. Let an amended memo of parties be filed within one week.

The application stands disposed of.

W.P.(C) 4353/2010

Present writ petition has been filed for compensation on account of death of petitioner's husband. It is alleged that the death of the deceased was caused by wilful negligence of officials of the respondents while cleaning a sewer.

Mr. Sanjoy Ghosh, learned additional standing counsel for Govt. of NCT of Delhi, on instructions of Mr. J.P. Singh, Ex. Engineer, PWD states that without prejudice to their rights and contentions, respondents are willing to pay Rs. 10 lacs in full and final settlement of the petitioners' claims. He states that the sum of Rs. 10 lacs shall be equally paid by respondent no. 1/PWD and respondent no. 2/DJB. He, however, states that the initial payment shall be made by the PWD.

Learned counsel for the petitioner states that he has instruction to accept the amount of Rs. 10 lacs in full and final settlement. He, however, states that the payment should be made by the respondents within four weeks.

Keeping in view the aforesaid, present writ petition is disposed of with a direction to respondent nos. 1 and 2 to pay Rs. 10 lacs to the

petitioners within four weeks. The assurance given by learned counsel for petitioner no. 1 is that the aforesaid amount shall be used for the benefits of all the petitioners is accepted by this Court and petitioner no. 1 is held bound by the same. This Court also accepts the statements made by learned counsel for the petitioners that petitioner no. 1 represents the interest of all the minor children and she has no interest which is adverse to that of the minors.

In the event the aforesaid amount is not paid within the stipulated period of four weeks, the same shall be paid with simple interest @ 8% per annum. The amount of Rs. 10 lacs shall be equally paid by respondent nos. 1 and 2 to petitioner no. 1 who will accept the same on behalf of all the other petitioners as they are minors. Needless to say, the aforesaid payment is in full and final settlement of all the claims of the petitioners.

Order dasti to all parties.

MANMOHAN, J

JANUARY 12, 2016

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