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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 761/2014

RADHA DEVI

..... Petitioner

Through: Mr. Brahma Nand Prasad, Advocate.

versus

ANIL GOSWAMI & ORS

..... Respondents

Through: Mr. Dev P. Bhardwaj, Advocate for UOI
with Dr. Balmiki Prasad, Director,
MHA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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13.07.2016

Present contempt petition has been filed alleging violation of the order dated 13th March, 2013 passed by the learned Single Judge whereby Freedom Fighters pension was directed to be paid to the petitioner as authenticity of GR was not disputed by the State of Bihar.

Learned counsel for respondent states that since there was some dispute with regard to the identity of the petitioner, she was directed to appear before the Medical Board constituted by the Superintendent, Darbhanga Medical College and Hospital. He states that on examination of the petitioner on 28th October, 2015, the Medical Board comprising Dr. H. Kumar, Senior Resident, Radiology Department, Dr. A.K. Shrivastav, Dental Surgeon, Dental Department, Dr. (Mrs.) S.B. Prasad, Assistant

Professor Obs. & Gyane Department and Dr. P.K. Das, H.O.D.F.M.T. Department of Darbhanga Medical College and Hospital opined that the petitioner's age is between 55 and 60 years. A copy of the medical opinion relied upon by learned counsel for respondent is taken on record.

However, learned counsel for petitioner relies on the Election Commission's voter identity card to contend that the petitioner as of today is 84 years old.

Since there is a dispute as to the identity and the age of the petitioner, this Court is of the opinion that it cannot come to the conclusion that non-compliance of the order dated 13th March, 2013 is either wilful or deliberate.

Consequently, present contempt petition is dismissed with liberty to the petitioner to file appropriate proceedings seeking a declaration that she is the widow of the deceased Freedom Fighter.

MANMOHAN, J

JULY 13, 2016

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