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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8854/2014

ANIL KUMAR

..... Petitioner

Through Mr.Jag Parvesh Chandra and
Mr.Avinash Sharma, Advocates.

versus

THE STATE (GOVERNMENT OF NCT OF DELHI) & ORS

..... Respondents

Through Ms.Isha Khanna for Ms.Nidhi Raman,
Advocate for R-1.
Mr.D.S.Mehandru, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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26.08.2016

Petitioner is aggrieved by the order vide which the compensation of Rs.10,000/- has been granted to him by the respondent-Government holding that since he had suffered only a minor injury, as per their policy dated 05.4.2011 (filed along with counter affidavit) for a minor injury the compensation permissible was Rs.10,000/-. Submission is that this is not the correct proposition. In this writ petition he has claimed compensation of Rs.13 lacs but in the course of the arguments, he has restricted his prayer to the submission that even as per the record it is an admitted position that the petitioner has suffered a serious injury which qualifies for compensation of Rs.50,000/- (in terms of the circular dated 05.4.2011).

Record has been perused.

Record shows that a building collapse took place on 01.6.2014 at property bearing No.4004-4005, Gali Barna, Sadar Bazar, Delhi. This property belonged to respondent nos.3 and 4. Allegations were that illegal construction was carried by respondent nos.3 and 4 on that property. In this incident 6 persons died and 7 persons were injured including the petitioner. FIR No.251/2014 was registered under Section 288/337/304A of the IPC. During the rescue operation on 01.6.2014 the petitioner was removed to Hindu Rao Hospital vide MLC No.3644 along with other injured persons wherefrom he was referred to Sushruta Trauma Centre. He remained admitted in Sushruta Trauma Centre in between 01.6.2014 to 19.6.2014 and thereafter he was referred to Guru Nanak Eye Hospital. All these facts are matter of record and are not disputed.

Submission of the respondent is that the petitioner had suffered a minor injury as the record does not substantiate that he has suffered serious/grievous injury. Further submission is that medical treatment to the petitioner was provided free of cost. Compensation of Rs.10,000/- had been paid by the Government to the petitioner.

The medical record of the petitioner has been perused. This shows that admittedly on the date of incident i.e. on 01.6.2014 he was removed to the Hindu Rao Hospital; the counter affidavit filed by the Department admits the fact that the petitioner has been taken to the Hindu Rao Hospital. Submission in the counter affidavit is that as per the report received from the Hindu Rao Hospital the petitioner suffered a minor injury. The MLC of Hindu Rao Hospital has not

been placed on record. This has not been placed on record either by the petitioner or by the respondent. Record of the Sushruta Trauma Centre, however, shows that the petitioner was referred from Hindu Rao Hospital for neurosurgical opinion. As per the record the petitioner remained in Sushruta Trauma Centre between 01.6.2014 to 19.6.2014; this is clear from his admission and discharge record. Further medical record of Sushruta Trauma Centre shows that the petitioner has suffered Edema injury a contusion over his left occipital region; abrasion on his knee; edema was also noted in his chest. He had undergone a brain CT scan which was on the same day. The following aspect of this report is relevant which reads as under:

“Supratentorial:

There are hyperdense areas of blood attenuation seen in bilateral subculvarial occipital regions, hyperdensity of blood attenuation also seen in left parasylvian region.”

Further admitted position being that the petitioner did remain in the hospital for 19 days. It was a case of admission. Had the petitioner suffered a minor injury (as is the contention of the respondent) he would not have remained in the hospital for such a long period of time. The fact that after his discharge on 19.6.2014 he had been referred to Guru Nank Eye Centre where he was examined on 16.7.2014 is also a matter of record. The record of Guru Nanak Eye Centre shows that there appears to be an irregularity in his left cornea. Various tests were repeated; all these facts are a matter of record.

In this view of the matter and the submission of the respondent

that this was a case where only a minor injury had been suffered by the petitioner does not really hold good. The petitioner not only remained in Sushruta Trauma Centre for more than 19 days but he has undergone CT scan of the brain and the report of the CT scan as noted supra had clearly recorded hyperdensity of blood attenuation in the left parasylvian region; occipital region even on physical examination noted a contusion which coupled with this record shows that even after having remained in the hospital for 19-20 days the petitioner had again to consult the Guru Nank Eye Centre for an irregularity in his cornea.

In this view of matter, this Court holds that the injury suffered by the petitioner was not minor; it does qualify as serious injury. As per the circular of the respondent-Government dated 05.4.2011 No.F.1. (87)/Relief/Building Collapse/2010/421 for a serious injury compensation to be granted was Rs.50,000/-. This Court is of the view that since the petitioner's case qualifies as a serious injury; he be granted compensation of Rs.50,000/-. The balance sum of Rs.40,000/- will be paid by the respondent-Government to the petitioner within an outer limit of three weeks from today.

Petition disposed of.

Order dasti under signatures of Court Master.

INDERMEET KAUR, J

AUGUST 26, 2016

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