

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.24247 of 2015

Date of decision: August 21, 2017

State of Haryana & others

...Petitioners

Versus

Smt. Sushila Devi & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rohit Arya, AAG, Haryana.

Mr. J.P. Jangu, Advocate for the respondents.

Rajan Gupta, J.

Petitioners have prayed for a writ in the nature of certiorari for quashing of the Award dated 09.05.2015, passed by the Permanent Lok Adalat (Public Utility Services), Rewari, whereby compensation of Rs.1.00 lac along with interest and Rs.7000/- for harassment, has been granted to respondent No.1, under Rajiv Gandhi Bima Pariwar Yojna.

Order has been challenged by the State on the ground that the deceased was under age at the time of death and thus, not covered under the policy and the claim was filed beyond limitation.

Plea has been opposed by counsel appearing for the respondents.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, son of Sushila Devi respondent No.1 died in road

accident on 01.01.2011. Thereafter, postmortem was conducted at General Hospital, Rewari and DDR was registered at Police Station Khol. Applicant/respondent No.1 applied under Rajiv Gandhi Bima Pariwar Yojna for grant of compensation. Same has been allowed by the Forum. It has observed that there was delay of 6/7 days in lodging the claim, which is not significant. I find no infirmity with this finding. As regards the plea that deceased was under age, no such plea was taken before the Forum by the petitioner nor any document was produced. Under the circumstances, there is no ground to interfere in writ jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

August 21, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No