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

Judgment decided on: 08.03.2018

+ W.P.(C) 6364/2016

GANNY KAUR

..... Petitioner

Through: Mr. Gurbansh Singh and Mr. Rahul
Sarkar, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR Respondents

Through: Mr. Arun Kumar Advocates for R-1
& R-2.

Mr. Amit Swami, Advocate for R-3 to
6 with Smt. Gurbaehan Kaur wife of
R-3 and Mr. Sewa Singh I.e. R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J (ORAL)

1. This is a writ petition by which the petitioner seeks release of compensation in her favour as per the dicta enunciated in the judgment passed in W.P.(C) No.10254/2006, dated 04.07.2007, titled: *Smt Ganny Kaur vs The State (NCT) & Others*. This judgment was delivered by a Single Judge of this Court.

2. The operative part of the directions contained in the judgment dated 04.07.2007 reads as follows:-

"When this court in exercise of its writ jurisdiction is called upon to determine the apportionment of the compensation between the petitioner on the one hand and Kishan Singh (respondent No.3) on the other, it cannot but act equitably. As already pointed out above, there is no difference whatsoever between the position of the petitioner and that of Kishan Singh insofar as the death Of Ishwari Kaur, Laxman Singh, Sajan Singh and Laxmi are concerned.

The only manner in which the compensation, to my mind, would serve the ends of justice, would be by directing that the compensation be awarded not according to personal laws, but equitably to the next of kin. The only two claimants are the petitioner and the respondent No.3 and, therefore, I direct that the ex gratia amount of Rs 14 lakhs which is to be awarded now in respect of the deaths of Ishwari Kaur, Laxman Singh, Sajan Singh and Laxmi be paid to the petitioner and Kishan Singh (respondent No.3) in equal equal measure. A sum of Rs 7 lakhs be paid to the petitioner and a sum of Rs 7 lakhs be paid to the respondent No.3. These directions be complied with by the respondents 1 and 2 within four weeks"

3. It is not disputed that qua the aforementioned judgment, an appeal was preferred which was numbered as: LPA No.1132/2007 titled: *Kishan Singh v. Ganny Kaur and Ors.*

3.1 The appeal was disposed of by a Division Bench of this court vide judgment dated 11.02.2008 as rectified by order dated 21.02.2008. As per the Division Bench judgment, the petitioner's share of compensation was scaled down to Rs.3,00,000/- (Three Lakh). It is not disputed before me by the counsel for the petitioner

that the petitioner did receive a sum of Rs.3,00,000/- as reflected in the judgment of the Division Bench. The balance amount, naturally went to the appellant before the Division Bench i.e., Mr. Kishan Singh.

4. In this writ petition, once again, the petitioner seeks to claim enhanced compensation; a claim which has accrued on account of Government of India (GoI) order dated 15.12.2014. A perusal of the said order would show that victims of the 1984 Anti-Sikh Riots were required to be paid enhanced compensation in the sum of Rs.5,00,000/- per deceased person.

4.1 It is not in dispute that the petitioner lost her daughter, son-in-law, and two grandchildren in the 1984 Anti-Sikh Riots.

5. Like in the first round, this time around also, the claimant and the counter-claimant, that is, the petitioner and the legal heirs of the father-in-law of her daughter late Ms. Ishwari Kaur had staked claim to the enhanced compensation.

6. I am informed by Mr. Amit Swami, who appears for respondents no.3 to 6, that the said respondents have been paid a sum of Rs.15,00,000/- out of a total sum of Rs.20,00,000/- which accrued to them on account of GoI order dated 15.12.2014.

7. Counsel for petitioner and respondents no.3 to 6 affirm that a sum of Rs.5,00,000/- remains deposited with the SDM.

7.1 Counsel for respondents no.3 to 6 says that he has instructions to convey to the Court that the said respondents would have no

objection, if the amount, presently, lying with SDM/ respondent no.2 is released to the petitioner.

8. Mr. Gurbansh Singh, who appears for the petitioner, says that the petitioner will be satisfied, if the sum of Rs. 5,00,000/- is released to her.

9. Having regard to the foregoing, respondent no.2 is directed to release the sum of Rs.5,00,000/- in favour of the petitioner.

10. Let the needful be done at the earliest, though, not later than three weeks from today.

11. The petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER
(JUDGE)

MARCH 08, 2018

c/cks