

\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 892/2018**

NAIN PREET KAUR

..... Petitioner

Through: Ms Sija Nair Pal, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Gautam Narayan, ASC, Civil with
Mr R.A. Iyer and Ms Mahamaya
Chatterjee, Advocates for R-1 to 3
Ms Monika Arora, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

31.01.2018

CM No. 3780/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 892/2018

3. The petitioner - who claims to be a victim of an acid attack - has filed the present petition, *inter alia*, praying that respondents be directed to reimburse the petitioner all the expenses incurred by her on her medical treatment (surgeries). The petitioner claims that she has incurred an expenditure of about ₹1.3 lakhs on her medical treatment.
4. The petitioner states that on 17.06.2014 she was travelling on a two wheeler (a scooty) along with her husband, when they were subjected to an acid attack. It is stated that two persons - Dalbir Singh alias Beera, and Bholi - with whom the petitioner's family has certain property dispute had carried out the vicious attack: Mr Dalbir Singh was riding a motorcycle and Bholi,

who threw the acid on the petitioner and her husband, was on the pillion seat with him

5. It is stated that the petitioner was immediately taken to Deen Dayal Upadhyay Hospital (DDU) and an FIR was lodged at P.S. Tilak Nagar (FIR No. 0627/2014). It is stated that the petitioner suffered 10-15% burn injuries on her arms and left foot.

6. The petitioner states that she was treated at the DDU hospital, however, the hospital authorities asked the petitioner to wait for further three months for further surgeries. However, since the petitioner was under severe pain, she could not bear waiting any further and availed of medical treatment from a private hospital. The petitioner claims that she incurred expenses to the extent of ₹1,29,986/- for her treatment.

7. The learned counsel for the petitioner submitted that she is limiting the relief in the present petition to only seeking reimbursement of medical expenses of approximately ₹1.3 lakhs as she had already received interim compensation of ₹3 lakhs under the Delhi Victims Compensation Scheme, 2015 (hereafter 'the Scheme').

8. The petitioner claims that she has also made a representation to Delhi State Legal Services Authority for further compensation; however, has not received any response to the same.

9. In terms of the Scheme, the victims of acid attack who have suffered injury which is less than 50% are entitled to minimum compensation of ₹3 lakhs and a maximum compensation of ₹5 lakhs. In the present case, admittedly, the injury suffered by the petitioner is to the extent of 10-15% and the petitioner has already been granted a compensation of ₹3 lakhs. The

purpose of granting compensation is to assist rehabilitation of acid victims. It is seen that in the present case the petitioner is a housewife and although the petitioner has been subject to a vicious attack, she has not lost any educational opportunities or her ability to earn her livelihood.

10. Admittedly, the compensation paid to the petitioner is more than sufficient for her to meet her medical expenses.

11. Mr Gautam Narayan, learned counsel appearing for the respondent also points out that all hospitals including private hospitals and nursing homes functioning in the National Capital Territory of Delhi have been directed to provide full medical treatment to victims of acid attack including medicines, food, bedding and reconstructive surgery in terms of Circular dated 25.08.2015 issued by Directorate General of Health Services. It is also admitted that the petitioner was being provided treatment at DDU Hospital and had opted to avail medical treatment from private hospitals of her own accord.

12. It is also necessary to bear in mind that the resources available with the State are limited and must be used judicially. As stated above, in the present case, the petitioner has received a compensation of ₹3 lakhs and has also been provided free medical treatment. In the circumstances, this Court is not persuaded to grant any further relief to the petitioner.

13. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JANUARY 31, 2018/pkv