

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9739 of 2012 (O&M)

Date of Decision: 29.01.2019

Dr. Sneh Chugh

... Petitioner

Versus

Bhagirath and others

... Respondents

2.

CWP No.9614 of 2012

United India Insurance Company Ltd.

...Petitioner

Versus

Bhagirath and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ashwani Talwar, Advocate with
Mr. Sahej Mahajan, Advocate
for the petitioner (in CWP-9739-2012).

Mr. Jagjit Singh Chatrath, Advocate
for the petitioner (in CWP-9614-2012).

Mr. Sandeep Khunger, Advocate
for respondent No.1.

ARUN MONGA, J. (ORAL)

1. The present order of mine shall dispose of two writ petitions, one has been preferred by the Insurance Company and the other by the doctor, who have been directed to pay Rs.5 lakhs each to respondent No.1 vide impugned order dated 19.03.2012 passed by learned Permanent Lok Adalat, Ferozepur.

2. Civil Writ Petition No.9739 of 2012 has been filed by the doctor, *inter alia*, seeking issuance of writ in the nature of certiorari to quash order dated 19.03.2012 (Annexure P-1) passed by the Permanent Lok Adalat whereby it held the petitioner guilty of medical negligence qua deceased Chander Kala wife of respondent

No.1, The petitioner had an insurance cover from respondent No.3/United India

Insurance Company Ltd. for an amount of Rs.5 lakhs and, therefore, it was directed by the Permanent Lok Adalat that to the extent of insurance, respondent No.3 would be liable and the balance amount of Rs.5 lakhs was directed to be paid by the petitioner. CWP No.9614 of 2012 has been filed by the insurance company.

3. I have perused the impugned order passed by the Permanent Lok Adalat and after having heard the learned counsel for the parties at length. I am of the opinion that the compensation awarded to respondent No.1/husband of the deceased is proper in view of the mental agony and the harassment suffered by him owing to the death of his wife.

4. Learned counsels for the respective parties are ad idem that if the compensation awarded is upheld then they would have no objection to the award of the Permanent Lok Adalat provided its findings qua the professional competency and the contributory negligence of the petitioner-doctor are set aside.

5. In these circumstances, and in the interest of justice and to maintain future cordiality between the parties as also to compensate the husband/respondent No.1 for the loss of his wife, the award granting compensation the Permanent Lok Adalat granting compensation to respondent No.1 is upheld whereas its findings with regard to the professional competency and contributory negligence of the petitioner-doctor are set aside.

6. The writ petition is, accordingly, disposed of .

7. Learned counsel for the petitioner points out that the amount of entire compensation of Rs.10 lakhs has already been deposited with the Registry of this Court. The Registry is directed to be release the same along with interest accrued thereon to respondent No.1.

29.01.2019

rekha sharma

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*