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

+ **W.P.(C) 1450/2019**

RAMHET MEENA

..... Petitioner

Through: Mr Ashok Agarwal and Mr Aditya
Agarwal, Advocates.

versus

**MR. AUGUSTINE FRANCIS PINTO (THE CHAIRMAN)
AND ORS.**

..... Respondents

Through: Mr Kunal Vajani, Standing
counsel for SDMC with Mr Jaibir
Sethi, Mr Junaid Qureshi and Ms
Udiksha Chikkara, Advocates for
R-13.

Mr Devanshu Lahiry and Mr
Anshul Aditya Tewari, Advocates
for Delhi Jal Board.

Mr Devesh Singh, ASC, Civil
GNCTD with Ms Sukriti Ghai and
Ms Urvashi Tripathi, Advocate for
R-11.

Mr Amit Bansal and Ms Seema
Dolo, Advocates for CBSE/R-16.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.02.2019

CM No.6674/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1450/2019

2. The petitioner has filed the present petition, *inter alia*, praying that respondent nos.1 to 15 be directed to pay the petitioner compensation to the extent of ₹10 crores for gross negligence committed by them, which according to the petitioner, had resulted into the demise of his minor child – a boy aged about six years. The petitioner's minor son was studying in class I in the academic session of 2015-16 of respondent no.15 school.

3. The averments made in the present indicate that he had gone to school for a poetry competition on 30.01.2016. Sometime during the middle of the day, it was brought to the notice of his class teacher that he was missing. Thereafter, the officials and students of the school conducted a search to locate the petitioner's son. It is averred that he was found in one of the tanks, which was located in the pump house near the Amphitheatre. It is also stated that the pump house has been locked by an iron grill gate. However, the said child managed to get inside the same. An FIR in this regard was lodged at P.S. Vasant Kunj, that and that case is pending. The petitioner alleges that respondent nos.1 to 14, who are officials of the society which runs the respondent no.15 school and other staff of the school, have been grossly negligent.

4. As is apparent from the above, this is not the case of *res ipsa loquitur*, and this Court cannot readily conclude that respondent nos.1 to 15 have been negligent. The allegations made herein raise several issues of fact. In this view, this Court does not consider it apposite to examine the petitioner's claim in these proceedings. It would be open for the petitioner to institute an appropriate action, if so advised.

5. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

FEBRUARY 13, 2019/MK