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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 725/2019 & CM APPL. 49784-49785/2019
NAIN PREET KAUR Appellant
Through Ms. Harini Raghupathy, Advocate.

versus

GOVT OF NCT OF DELHI & ORS Respondent
Through Mr. Gautam Narayan, ASC (GNCTD)
with Ms. Shivani Vij, Advocate.
Ms. Monika Arora, CGSC with Mr.
Piyush Gaur, GP for R4/UOI.
Ms. Arati Mahajan Chadha, Ms.
Swati, Advocate for R5.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **19.11.2019**

1. The present appeal has been filed by the appellant/petitioner being aggrieved by an order dated 31.01.2018, passed by the learned Single Judge whereunder, her prayer for issuing directions to the respondent/GNCTD to reimburse her for the expenses incurred on her medical treatment/reconstructive surgery, post an acid attack suffered by her in the year 2014, has been rejected. Accompanying the present appeal is an application filed by the appellant/petitioner praying *inter alia* for condonation of delay of 558 days in filing the appeal along with an application for seeking condonation of delay of 35 days in re-filing the appeal.

2. The ground that has weighed with the learned Single Judge for

declining relief to the appellant/petitioner is that her claim for seeking reimbursement of medical expenses to the tune of Rs.1,30,000/-, cannot be entertained when she had already received an interim compensation of Rs.3 lakhs under the Delhi Victims Compensation Scheme, 2015, on account of suffering injuries to the extent of 10% to 15%. Noting that compensation is given to assist an acid attack victim for rehabilitation and that sufficient compensation had been received by the appellant/petitioner for her to meet her medical expenses, the learned Single Judge opined that besides compensation, the appellant/petitioner was also provided free medical treatment at DDU Hospital but she had on her own, opted for medical treatment from a private hospital for which she could not have claimed reimbursement.

3. Ms. Raghupathy, learned counsel for the appellant/petitioner states that the impugned order has not taken note of the directions issued by the Supreme Court in Laxmi Vs. Union of India and Others, reported as (2016) 3 SCC 669, to the officers of the State Governments to approach private hospitals in their jurisdiction requiring them to provide free medical treatment to victims of acid attack. She submits that a victim of acid attack is not only entitled to compensation, but also to free medical treatment that includes making available medicine, bed and food in the hospital concerned. Reference is made by learned counsel to the order dated 25.08.2015, issued by the respondent/GNCTD in compliance of the directions of the Supreme Court in the case of Laxmi (supra) that directs private hospitals and nursing homes to provide free medical treatment to victims of acid attack including medicines, bed, food and reconstructive surgery.

4. The averments made in the petition reveal that the appellant/petitioner

was initially under the care of DDU Hospital. It has been stated that because DDU hospital had given a long date of three months to the appellant/petitioner for undergoing reconstructive surgery, due to the excruciating pain suffering by her, she was compelled to approach a private hospital for treatment. However, learned counsel for the appellant/petitioner has not been able to point out from the records including the photocopy of the OPD card issued by the hospital and filed with the petition, as to the date if any, fixed for her reconstructive surgery for us to understand the timeline and the context in which the appellant/petitioner elected to go in for treatment and reconstructive surgery in a private hospital.

5. Even otherwise, the decision of the Supreme Court in the case of Laxmi (Supra) clearly states that when a victim of an acid attack approaches a hospital, its express obligation is to extend first aid treatment and thereafter issue a certificate to the individual declaring that she/he is a victim of acid attack. The said certificate can then be utilized for treatment and reconstructive surgery or for availing of any other scheme that a victim may be entitled to by approaching the State Government/Union Territory as the case may be. In other words, it is not that a victim who can get treatment in a government hospital and elects not to do so, for her own reasons and chooses to approach a private hospital, can seek reimbursement of the expenses incurred by her at the private hospital for reconstructive surgery etc. Any such interpretation would lead to a situation where government funds, inadequate that they are, would end up being disbursed generously to a particular victim leaving other similarly situated victims, high and dry. State largesse being limited, has to be evenly distributed to those who are entitled.

6. In the said circumstances, the claim of the appellant/petitioner seeking reimbursement of the entire sum of Rs.1,30,000/- spent by her towards corrective surgery undergone in a private hospital, cannot be directed to be borne by the respondent/GNCTD. It is not as if the appellant/petitioner was not getting treatment at DDU Hospital. She has not been able to substantiate her claim that the doctors at DDU Hospital had given her a date after three months for undergoing reconstructive surgery. The OPD card is silent on this aspect. The assumption would then be that the appellant/petitioner had of her own choice approached a private hospital for treatment.

7. We therefore decline to interfere with the impugned order. The present appeal is accordingly dismissed along with the pending application.

HIMA KOHLI, J

ASHA MENON, J

NOVEMBER 19, 2019/MK