

hcs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 547 OF 2019**

Kusum Gautam Nanaware & Anr.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	... Respondents

None for the Petitioners.

Mr Hemant Haryan AGP, for Respondent Nos 1 to 3 and 6.

Mr Suneet K Tyagi with Mr Omprakash Vaishnaw and Ms Madhavi Patil, for Respondent No.7

Mr R Y Sirsikar, for Respondent Nos 4 and 5 - MCGM.

**CORAM: G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 16th November 2021**

PC:-

1. Prayer clauses (a) and (b) of the Writ Petition reads thus :

“(a) The Hon’ble Court may direct the Respondent No 1 by writ of mandamus to compensate the Petitioners for the death of their minor son to the tune of amount of Rs 50,00,000/- (Rupees Fifty Lakhs only) as they have incurred financial loss as well as physical & mental loss.

(b) This Hon’ble Court may kindly be pleased to direct the Respondent No 7 to compensate the

Petitioners to the death of their minor son in their under construction building site.”

2. It is self-evident that such relief cannot be granted in exercise of our equitable discretionary remedy under Article 226 of the Constitution of India.
3. While expressing no opinion of merits of the case, we grant liberty to the Petitioners to withdraw Petition and file a substantive Civil Suit for identical reliefs.
4. The Petition is disposed of in these terms. There will be no order as to costs.
5. All contentions are kept open.
6. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)