

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

243

CWP-19891-2022
Date of Decision: 12.12.2023

RITU AND ORS

... Petitioners

VERSUS

UNION TERRITORY CHANDIGARH AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sudhanshu Sharma, Advocate for
Mr. Divay Sarup, Advocate for the petitioners.

Ms. Sweta Beniwal, Advocate for
Mr. Aman Pal, Advocate for respondent No.1.

Mr. Teevar Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for seeking issuance of directions to the respondent No.3 to furnish the financial status of the petitioner in the Victim Compensation Case titled as 'Ritu and others Vs. U.T Chandigarh' and with a further prayer that the respondent-U.T. Chandigarh be directed to decide the claim of the petitioner under the Union Territory of Chandigarh Victim Assistance Scheme, 2018.

Counsel for the petitioners contends that they are the legal heirs/dependents of deceased Ravinder Kumar son of Joginder Pal resident of H.No.503, Village Mullanpur, District Mohali, who died in a roadside accident on 22.12.2019 after being hit by an unknown vehicle. The deceased suffered fatal injuries and the offending vehicle could not be traced. An FIR No.0210 dated 22.12.2019 was registered under Section 279, 304-A of IPC at Police

Station Maloya, Chandigarh regarding the aforesaid accident against an unknown driver. Postmortem examination of deceased Ravinder Kumar was also conducted at GMSH, Sector 16, Chandigarh and a Death Certificate was also issued by the Sub Registrar, Birth and Death, Chandigarh. The respondent No.3, Naib Tehsildar, Kharar issued an income certificate to the petitioner No.1 to the effect that the petitioner No.1 is having an annual income Rs.10,000/- from all sources. She thereafter preferred an application before the Secretary, District Legal Services Authority, Chandigarh for grant of compensation under the Union Territory of Chandigarh Victim Assistance Scheme, 2018. The statement of the petitioner No.1 was recorded by respondent No.2 alongwith the statements of the police officials and the contents of the FIR were verified. The summons was also sent to the respondent No.3-Naib Tehsildar, Kharar, however, the same are stated to have not been received back either served or otherwise. The Naib Tehsildar-respondent No.3 has not been paying any heed to the requests, as a result whereof, the claim of the petitioners is pending for the last more than one and half year only on account of failure on the part of respondent No.3 in furnishing the financial status report with respect to petitioners.

A reply has been filed by the Sub Divisional Magistrate, Kharar on behalf of respondent No.3 wherein it is averred that the Financial Status Report/Income Certificate dated 27.02.2020 has already been issued by the respondent No.3 and the same has been attached with the writ petition as Annexure P-5. It was also stated that the Naib Tehsildar shall get his statement recorded about the genuineness of Annexure P-5 before the respondent No.2 as and when so directed by the Hon'ble Court.

In view of the aforesaid statement and undertaking that the Naib Tehsildar shall get his statement recorded with respondent No.2 as and when so directed, the present petition is disposed of at this juncture by issuing the following direction:

- (i) That the respondent No.3-Naib Tehsildar, Kharar shall appear before respondent No.2-Secretary, District Legal Services Authority, Chandigarh on 05.01.2024 or such other date as may be so convenient to respondent No.2 for getting his statement recorded qua verification of the Financial Status Report/Income Certificate issued him. Upon recording the statement of respondent No.3, respondent No.2 shall take an expeditious decision on the pending claim of the petitioners under the Union Territory of Chandigarh Victim Assistance Scheme, 2018 within a period of four months of the receipt of certified copy of this order.

Petition stands disposed of accordingly.

DECEMBER 12, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No