

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CM-15276 of 2023 in/and
CWP-26100-2018
Date of Decision:14.09.2023**

Meenu Kumar

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

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

Present: Mr. Narender Kaajla, Advocate,
for the applicant/petitioner.

Mr. Pankaj Mulwani, DAG, Haryana

Mr. Ankit Midha, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

CM-15276 of 2023

Vide this application filed under Section 151 CPC, the applicant/petitioner seeks permission to place on record the rejoinder on behalf of the applicant/petitioner.

For the reasons mentioned in the application, the same is allowed and the rejoinder is taken on record.

Main case

The prayer made in the present petition for seeking compensation on account of the permanent disability suffered due to electrocution.

Counsel appearing on behalf of the respondents contend that the incident in question is stated to have been taken place on 09.05.2015. He refers

to the written statement filed by respondent No.3 and para 7 thereof which is extracted as under:-

“That the Nigam has already formulated a compensation policy, as per which a private person involved in a fatal/non-fatal accident could apply for compensation, as per the procedure prescribed in the notification. The petitioner has deliberately chosen not to follow the said procedure as no FIR or formal complaint was filed by the petitioner or his family member at the time of the accident which clearly shows the mala fide intention of the petitioner of extracting compensation from the Nigam without any fault attributable to them.”

It has been averred in the aforesaid reply by the respondent's counsel that if compensation policy has been formulated by the distribution licensee in which a private person involved in a fatal/non-fatal accident could apply for compensation. It is also averred that the petitioner had not chosen to follow the said procedure.

Counsel for the petitioner contends that he would be satisfied in case the petitioner's claim be considered/decided as per the compensation policy so formulated by them without fastening any liability of any individual.

Counsel for respondent No.3.-Nigam however contends that the petitioner had given a note for not lodging any claim or initiate any legal action against the employees of the Nigam as well as the Nigam. Upon asking, he however very fairly informs that the compensation in terms of the compensation policy has not been paid to the petitioner.

Without commenting any further on the merits of the case and taking into consideration that the stand of the respondents in their reply itself is

that there is a compensation policy formulated for accident causing fatal/non-fatal injuries and that a victim is entitled to apply for compensation in accordance thereto, the present petition is disposed of at this stage, as prayed for by the petitioner with liberty to the petitioner to apply to the respondents for compensation. In the event of any such application being submitted alongwith the supporting documents, an appropriate, well reasoned speaking order shall be passed thereupon after affording an opportunity of hearing to the respective parties. The order may be passed within a period of four months of the petitioner submitting the said application.

The present petition stands disposed of.

**(VINOD S. BHARDWAJ)
JUDGE**

September 14, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No