

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

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**CWP-23456-2019 (O&M).
Date of Decision: 01.12.2023.**

SEEMA AND ANOTHER

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr.Atul Yadav, Advocate, for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana,
for respondent No.1/State.

Mr. R.D. Bawa, Advocate, and
for respondents No.2 to 6.

VINOD S. BHARDWAJ. J (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of mandamus directing the respondents to pay compensation to the petitioners on account of death of their son namely Manjeet due to electrocution, attributable to the negligence on part of the respondents.

Learned counsel appearing on behalf of the petitioners contends that on 25.12.2017 the petitioners along with their son Manjeet were present in the house of their relative Prem Ram to celebrate the birthday function of his son. When Manjeet (deceased) took an iron pipe

to be used for the purpose of tent, he was electrocuted with High Tension wires of 11000 voltage which was hanging loose at a very low height. Firstly, he was taken to Siyaram Hospital at Hayatpur from where he was referred to Rockland Hospital, Manesar, District Gurugram. Finally, Manjeet was taken to Sunrise Hospital, Khandsa Road, Sector 10, Gurugram, however, during the treatment, he succumbed to his injuries on 03.01.2018. He further submits that Post Mortem Examination Report has also been appended with the present petition as Annexure P-4 and death certificate has been appended as Annexure P-3. Hence, compensation has been prayed for on account of death of Manjeet due to negligence on the part of the respondents.

Notice of motion in the present case had been issued on 19.11.2019, and the written statement dated 04.03.2020 on behalf of respondents No.2 to 6 had been filed.

Learned counsel appearing on behalf of petitioner contends that the incident is dated 25.12.2017 and that the policy dated 22.02.2017 notified by the respondents - DHBVNL relating to compensation to the victims for fatal/non-fatal accidents was then in force and that at this juncture, he would be satisfied in case a direction is issued to the respondent-authorities that in the event of the petitioner submitting their claim before the competent authority as per the policy, the same shall be considered and an expeditious decision in terms of the above policy shall be taken thereupon.

Learned counsel appearing on behalf of the respondents have no objection to the aforesaid prayer being allowed.

In view of above prayer, the present petition is disposed of without prejudice to the respective rights of the parties and without commenting on the merits of their respective claims granting liberty to the petitioners to approach the respondent authorities for seeking disbursement of compensation in terms of the applicable policy.

Needless to mention that in the event of filing of such claim/representation by the petitioners before the competent authority as per the policy, the same shall be decided expeditiously by the competent authority preferably within a period of 04 months from the date of filing of such claim/representation, after granting an opportunity of hearing to the respective parties.

Accordingly, the present petition is disposed of.

December 01, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No