



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CWP-16234-2014 (O&M)

Date of decision: 13.05.2024

Ram Dhani @ Sanjay Chauhan and another

...Petitioners

VERSUS

The State of U.T. Chandigarh and others

...Respondents

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

Present :- Mr. Sushil Jain, Advocate for the petitioners (Amicus).

Mr. Vivek Chauhan, Advocate
for the respondents/U.T. Chandigarh.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed seeking compensation from the respondents to the tune of Rs.10 lakhs for the act of negligence and for not providing better treatment to the son of the petitioners well in time.
2. This Court vide order dated 18.03.2024 appointed Mr. Sushil Jain, Advocate, as an Amicus to assist this Court as regards the claim made by the petitioners. It has been informed by the Amicus that Amar Singh, son of the petitioners, was convicted by the trial Court for offences punishable under Sections 392 and 394 IPC against which he had preferred an appeal. The said appeal was decided by this Court wherein conviction was maintained and the sentence was reduced to already undergone. A punishment of fine had also been imposed upon Amar Singh and that in default of payment of fine; he was required to undergo custody of six



203 CWP-16234-2014 (O&M)

months. As the fine was not deposited, hence, he continued to serve the sentence in default. However, he fell unwell whereupon he was referred to the PGI in December-2013 and had thereafter been regularly extended medical treatment.

3. Amicus contends that *prima facie* the documents available on record do not suggest that there is any evidence to establish negligence on the part of the respondents and that such a claim raised by the petitioners would give rise to disputed question of facts which cannot be examined by this Court in a writ jurisdiction.

4. The present writ petition is accordingly **disposed of** at this stage.

5. Liberty is however granted to the petitioners to take recourse to the alternative remedies available to them in according with law, if so advised.

6. Needless to mention that in the event of the petitioners approaching any such Court for seeking compensation and/or on account of the cause of action for which the present writ petition had been filed, the period during which the present petition has remained pending before this Court, shall be taken into consideration.

(VINOD S. BHARDWAJ)
JUDGE

13.05.2024
Mangal Singh

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