

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

216

CWP-18217-2018 (O&M).
Date of Decision: 15.01.2024.

CHANDER SINGH

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Shikhar Kataria, Advocate, for
Mr. Partap Singh, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana,
for respondents No.1 and 4.

Mr. R.D. Bawa, Advocate, and
Mr. Dipanshu Kapur, Advocate, for respondents No.2 and 3.

Mr. S.S. Sidhu, Advocate, for respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

CM-11870-CWP-2018

The present misc. application has been filed by the applicant-
petitioner under Section 151 of the Code of Civil Procedure, 1908, for
placing on record the translated copy of DDR No.21 dated 03.11.2017 as
Annexure P-4.

The application is allowed subject to all just exceptions.

Annexure P-4 is taken on record.

The Registry is directed to tag the same at appropriate place.

Main case

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 petitioner to the tune of Rs.50 lakhs on account of death of his son namely Anil due to electrocution, attributable to the negligence on part of the respondents.

Learned counsel appearing on behalf of the petitioner contends that the son of the petitioner namely Anil while working as driver on the ESSAR Canter bearing registration No.HR-96-B-7886 came in contact with 11 KV electricity lines resulting in his death on 03.11.2017. A copy of the death certificate has been placed on record as Annexure P-1 and a copy of the post-mortem report has been placed on record as Annexure P-2. Hence, compensation has been prayed for on account of death of Anil due to negligence on the part of the respondents.

Notice of motion in the present case had been issued on 28.09.2018, and the reply on behalf of respondents No.2 and 3 had been filed on 23.12.2018.

Learned counsel appearing on behalf of petitioner contends that the incident is dated 03.11.2017 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 petitioner 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 petitioner 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. The amount of compensation, if any, shall also be disbursed to the petitioner in a time bound manner.

Accordingly, the present petition is disposed of.

Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

January 15, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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