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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10968/2020 & CM APPL. 34324/2020**

**RABIYA**

..... Petitioner

Through: Ms. Hetvi Patel and Mr. Paul Kumar  
Kalai, Advocates

versus

**GOVERNMENT OF NCT OF DELHI AND ORS** ..... Respondents

Through: Ms. Hetu Arora Sethi, ASC with  
Ms. Kavita Nailwal, Advocate for  
GNCTD  
Mr. Sarfaraz Khan, Mr. Mirza Amir  
Baig, Mr. Abdul Wahid and  
Advocates for R-2/DLSA.  
Mr. Abhinav Pandey, Member  
Secretary (Litigation), DLSA

**CORAM:**

**HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN**

**ORDER**

**08.05.2024**

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1. The present petition is filed under Article 226 of the Constitution on the facts that the petitioner suffers from 65% disability and her husband has died in Rao Tularam Memorial Hospital when the petitioner was admitted there for the treatment of fever. The petitioner has made the following prayer:-

**a. Quash and set aside serial no.1, Schedule of Delhi Victim Compensation Scheme, 2018 to the extent it limits the maximum compensation for loss of life to Rs.10 Lakhs.**



**b. Direct respondents to pay an amount of Rs.90 Lakhs as enhanced compensation under the impugned scheme;**

**c. Direct the Respondents to pay an amount of Rs.10 Lakhs as interim compensation under the impugned scheme;**

**d. Direct the respondents to provide employment to the petitioner;**

**e. Any other order deem fit and proper;**

2. During the course of arguments, the counsel for the petitioner stated that in the present petition, she is not pressing the prayer 'a' keeping in view the prevailing circumstances pertaining to the petitioner. The counsel for the petitioner further stated that the petitioner is 65% disabled and has to maintain two children and the petitioner was given only 04 lakhs as interim compensation but after considering the peculiar facts and her socio economic conditions, the respondent no. 2/Delhi Legal Services Authority be directed to pay further interim compensation to the petitioner.

3. Mr. Sarfaraz Khan, Advocate for the respondent no. 2/DLSA assisted by Mr. Abhinav Pandey, Secretary, (Litigation), DLSA stated that as per the proviso attached to the Clause 13 of the Delhi Victims Compensation Scheme, 2018, the maximum interim compensation of Rs. 50,000/- can be given to the affected persons. It is further stated that after considering the peculiar circumstances, the petitioner has already been given 04 lakhs as interim compensation which is much beyond the interim compensation which is allowed as per proviso to Clause 13 of the Delhi Victims Compensation Scheme, 2018. It is further stated that after conclusion of the trial, if the accused is convicted, the prime responsibility to pay the



compensation is of the accused and on his failure, the liability/responsibility rests on the respondent no. 2/DLSA.

4. The counsel for the petitioner stated that she shall be filing a representation with the respondent no. 2/DLSA for release of further interim compensation in view the peculiar circumstances of the petitioner as mentioned hereinabove.

5. Let the representation, on behalf of the petitioner, if any, be filed within 15 days and thereafter, the respondent no. 2 is directed to take appropriate reasoned decision after considering guidelines and the judgments passed by the superior courts in respect of the compensation within 04 weeks with intimation to the petitioner.

6. The present petition, along with pending application, stands disposed of. However, the petitioner shall be at liberty to initiate appropriate legal proceedings in case of altered circumstances or on being aggrieved by any decision taken on the representation for further compensation in accordance with law.

7. A copy of this order be given dasti to the counsel for the petitioner as well as to Mr. Abhinav Pandey, Secretary, (Litigation), DLSA.

**DR. SUDHIR KUMAR JAIN, J**

**MAY 8, 2024**

*Sk/am*