

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

WRIT PETITION NO.19968 OF 2017

(Nandlal Malviya vs State of MP and Others)

Indore, Dated 15.05.2018

Ms. Shanno Khan, learned counsel for the petitioner.

Mr. Virendra Khadav, learned Government Advocate for the respondents/State.

Mr. Subhash Choudhari, District Legal Services Officer, Indore is present in person before the Court today.

This Court on 19.12.2017 had ordered for payment of Rs.1.00 lakh to the petitioner immediately within a period of fifteen days and the remaining amount of Rs.2.00 lakh payable under Madhya Pradesh Apradh Pidit Pratikar Yojana, 2015 within two months., however, 1.5 lakh has been paid to the petitioner.

Shri Subhash Choudhari, District Legal Services Officer, Indore has submitted before the Court that since the petitioner has not appeared before the Medical Board, therefore, the degree of disability could not be assessed so far and, hence, the payment could not be made.

Learned counsel for the petitioner submits that the petitioner has lost his left eye completely and the whole body has suffered burn injuries caused by acid attack. The petitioner has appeared and was examined in MY Hospital, Bombay Hospital and Choithram Hospital, Indore, where 45% disability to the petitioner has been assessed. The documents in that behalf are on record. There is no need for further reference of the petitioner before any Medical Board in the light of the order passed by the Hon'ble Apex Court in the case of ***Laxmi vs Union of India (WP (Cri.) No.129/2006*** and therefore, the petitioner is entitled for compensation of Rs.3.00 lakhs, as the

petitioner is having more than 45% disability.

Without commenting upon the rival contentions, it is considered apposite to direct the District Legal Services Officer, Indore to pay compensation of Rs.1.00 lakh more to the petitioner within a period of **fifteen days** from today under the scheme of Madhya Pradesh Apradh Pidit Pratikar Yojana and, thereafter, follow the further process of giving him notice for appearing before the Medical Board.

Post it for further orders in the **first week of July, 2018.**

(ROHIT ARYA)
J U D G E

Arun/-