

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4267 OF 2014

Aarti Thakur ... Petitioner
Vs.
State of Maharashtra through Women and
Child Development Department and others ... Respondents

Ms Meenaz Kakalia i/b. Kranti L. C. for Petitioner.
Ms Neha Bhide, 'B' Panel Counsel for Respondent-State.

**CORAM : R. M. BORDE &
R. G. KETKAR, JJ.**
DATE : JANUARY 05, 2018

P.C. :

The Division Bench of this Court, in order dated 17.03.2015, have recorded in paragraph 4 thus,

“4. It is apparent that the directions do not mention that the Scheme should be made applicable to the victims of acid attacks after the date of the Judgment. In fact, the perusal of the Scheme indicates that in the said case the victim was injured by acid attack which took place in 2006. In our view, prima facie, therefore, such a cut-off date would be arbitrary and contrary to the directions given by the Apex Court.”

2. It is pointed out that Manodharya Scheme framed by the State Government and operative from 21.10.2013 makes a provision in respect of payment of Rs.3,00,000/- in favour of female and child victim of the acid attack. It was contended on behalf of the State initially that since the incident in question which has resulted in injury to the petitioner is prior to the date of implementation of the Manodharya Scheme, the petitioner may not be covered and may not be entitled to claim the benefits under the Manodharya Scheme. However, the Division Bench dealing with the matter has prima facie expressed its disagreement with

the contentions. It is also pointed out that in view of the directions issued by this Court while dealing with Criminal Public Interest Litigation No.35 of 2013 along with Original Side Public Interest Litigation (L) No.87 of 2017, order dated 30.11.2017, State has proposed a revised Manodharya Scheme of 2017. The revised Scheme of 2017 has not yet been published. However, the proposed Scheme makes a provision that the same would apply prospectively.

3. Without prejudice to the rights and contentions of the petitioner as well as respondents, according to us, the ends of justice would be met if the State Government is directed to pay a sum of Rs.3,00,000/- as provided under the Manodharya Scheme published on 21.10.2013 to the petitioner victim as an interim measure, and it is accordingly directed. Apart from this, by virtue of order dated 19.03.2017, the Division Bench of this Court directed the State Government to directly pay the hospital, the expenses incurred on the petitioner's operation after collecting relevant bills from the said hospital where she was required to be operated. It is pointed out by the Counsel appearing for the petitioner that before issuance of the order of the High Court, the petitioner had undergone several surgeries and has incurred expenses. The bills paid by her to the hospital as well as the bills towards the cost of medication are annexed along with the additional affidavit presented on behalf of the petitioner. The chart annexed at Exhibit-A on page 141 presented by the petitioner discloses that the surgical expenses incurred by the petitioner are to the tune of Rs.1,14,895/- plus additional sum of Rs.25,844/-, Rs.16,000/- and Rs.37,350/- for the year 2012, 2013 and 2014 respectively. The petitioner also claims to have incurred expenses towards the cost of medication referred to in column No.3 at Exhibit-A amounting to Rs.84,394.33/-, Rs.59,131.32/-, Rs. 64,221.06/- for the years 2012, 2013 and 2014 respectively.

4. Though this Court by order dated 19.03.2015 directed the State Government to make payment to the hospital directly, in the circumstances as disclosed by the petitioner in the additional affidavit, we are of the opinion that since the petitioner herself had incurred those expenses and paid the bills of the hospitals, she needs to be reimbursed. It would be obligatory for the respondent-State, after verifying the bills annexed to the additional affidavit presented by the petitioner with the original bills, to reimburse the petitioner the expenses incurred by her towards the surgeries which she has undergone and the hospitalization charges as well as out of pocket expenses towards the cost of medication. The amount under the bills those are annexed along with the additional affidavit presented by the petitioner shall be paid to her on due verification by the State as expeditiously as possible, preferably within a period of three weeks from today. The amount of Rs.3,00,000/- which we have directed to be paid to the petitioner without prejudice to the rights and contentions of both the parties shall also be paid to her within a period of three weeks from today. The Cheque / Draft in the name of the petitioner can also be handed over to the learned Counsel representing the Petitioner in the High Court.

5. Stand over to 29.01.2018.

(R. G. KETKAR, J.)

(R. M. BORDE, J.)