

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-5048 of 2018 (O&M)
Date of Order: 17.08.2023

Rumal

.Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Zerith Dogra, Advocate, for
Mr. Ankur Malik, Advocate
for the appellant.**

**Ms. Vibha Tewari, AAG, Haryana
Mr. Jaspal Singh Pannu, AAG, Haryana**

ANIL KSHETARPAL, J

C.M.No.13763-CI-2018

1. For the reasons stated in the application which is supported by an affidavit, the delay of 178 days in re-filing the appeal is condoned.

MAIN

2. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff in this regular second appeal.

3. A suit for decree of declaration with consequential relief of mandatory injunction to grant damages/compensation to the tune of Rs.4,00,000/- on account of alleged negligence, carelessness and malafide act of defendants in not releasing the expenses on medical treatment has been dismissed by both the courts below. It has been found that despite intimation from the office, the plaintiff failed to intimate the name of the hospital and the date on which the surgical procedure was to be carried out.

Thus, the courts have found that there was no negligence on the part of the

official respondents.

4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. The learned counsel representing the appellant contends that the son of the appellant died due to negligence of the defendants and therefore, the courts have wrongly dismissed the suit.

6. This court has considered the submissions of the learned counsel representing the appellant.

7. The appellant before this court is an employee of the respondent-Haryana State. His son was suffering from heart disease. He applied for medical advance of Rs.77,000/- which was sanctioned to the extent of Rs.52,508/-. The respondents intimated the plaintiff to disclose the name of the hospital and the date on which the surgical procedure was to be carried out to enable them to issue the cheque, however, the appellant failed to inform the official respondents.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

August 17, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO