

Seema Virender Kumar Arora & Anr vs Union Of India & Ors on 15 February, 2022

Author: V. Kameswar Rao

Bench: V. Kameswar Rao

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 2883/2022, CM APPL. 8356/2022 & 8357/2022
SEEMA VIRENDER KUMAR ARORA & ANR.

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Through: Mr. Mir Adnan Zahoor, Adv.

versus

UNION OF INDIA & ORS.

Through: Mr. Vikram Jetly, CGSC
Ms. Shreya Jetly, Adv.
R-3/UOI
Ms. Bushra Praveen, Leg
Consultant of R-2
Mr. Subhash Barguzer, D
General of Shipping, Mu

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
ORDER

% 15.02.2022 This matter is being heard through Video-Conferencing.

Exemption allowed subject to all just exceptions. Application is disposed of.

W.P.(C) 2883/2022 & CM APPL. 8356/2022

1. The issue, which has been raised in this petition is, with regard to missing of son and brother of the petitioners, who was employed on a ship as a Cadet operated by the respondent No.4.
2. It is the submission of the petitioners that en-route from Angola to China their son and brother, who was posted on the ship went missing on September 13, 2020 and his whereabouts are still not know. Efforts of the petitioners to seek registration of FIR by filing a petition under Section 156(3) Cr.PC was also rejected by the concerned Criminal Court. It is under these circumstances, the present petition has been filed with the following prayers:-

In the above mentioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

A. Pass a writ in the nature of mandamus or any other appropriate writ/order/direction to respondent: i. To conduct, order or direct the Respondent No.1 and Respondent No.2 to investigate this case in fair and impartial manner by the CBI or by Special and independent investigating agency and to monitor the same or appoint as enquiry board or committee to monitor the same and pass further appropriate directions;

ii. To send all the belongings of Sh. Dhananjay Arora (Cadet Arora) including his mobile phone, master report, investigation records and other records that was kept for the investigation purposes to the concerned investigating Agency/CBI;

iii. To provide a copy of internal investigation reports including the master's investigation report at the earliest to the Investigating Agency and to the Petitioners;

iv. To refrain the Respondent No.4 and Respondent No.5 from making any unreasonable demands like waiving off the legal proceedings upon releasing the compensation amount through Respondent No.3 and further direct Respondent No.3 to take appropriate steps to immediately provide mandatory compensation of insured amount of \$ 80,000/- to Petitioners without prejudice to their rights of appropriate and reasonable damages and compensation;

B. It is further prayed before the Hon'ble Court to compensate Petitioner for the mental trauma suffered at the hands of the Respondent No.3, Respondent No.4 and Respondent No.5;

C. That the Respondent No.4 and Respondent No.5 be directed to pay an appropriate sum towards the Cost and Expenses involved in the present Writ Petition against the trauma, harassment, shock and agony suffered at her end."

3. Hearing the learned counsel for the petitioner, legal consultant of respondent No.2 and Mr. Jetly for respondent No.3, I deem it appropriate to issue notice to respondent Nos.2 to 5. Mr. Jetly accepts notice for respondents 2 and 3. Let notice be issued for service on respondent Nos.4 and 5, as of now, returnable before the Registrar for completion of service and pleadings on 12th April, 2022.

V. KAMESWAR RAO, J FEBRUARY 15, 2022/ak