

Shareena vs Union of India

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SooperKanoon Citation : sooperkanoon.com/1393707

Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr. Justice Amit Rawal

Appeal No. : WP(C)/27486/2013

Appellant : Shareena

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL
TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA,
1944 PETITIONER: SHAREENA AGED 30 YEARS W/O.LATE
MUHAMMED ANAS KUNDATHIL, THACHAMPOYIL HOUSE,IYYAD
POST, UNNIKULAM, KOZHIKODE DISTRICT BY ADVS.
SRI.SANTHARAM.P SMT.REKHA ARAVIND RESPONDENTS: 1
UNION OF INDIA REP.BY PRINCIPAL SECRETARY, EXTERNAL
AFFAIRS MINISTRY, ROOM NO 152, A-WING, SHASTRI BHAVAN,
NEW DELHI 110001 2 COUNSEL GENERAL OF INDIA IN ABU DHABI
EMBASSY OF INDIA, POST BOX NO 4090, ABU DHABI,U.A.E 3
MINISTRY OF OVERSEAS INDIAN AFFAIRS, GOVT OF

INDIA, REPRESENTED BY SECRETARY, AKBAR BHAVAN,
CHANAKYAPURAM, NEW DELHI 110021

4 THE SECRETARY TO GOVERNMENT NORKA
DEPARTMENT, THIRUVANANTHAPURAM, KERALA PIN 695 001 BY
ADV SRI.SUVIN R.MENON, CGC SRI.S.MANU - DSGI SRI.JIMMY
GEORGE - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Petitioner, the legal heir of the deceased Muhammed Anas, Kundathil, who unfortunately died in an accident at Abu Dhabi, UAE on 15.04.2008, has claimed death compensation insurance and other service benefits. This Court on 16.03.2017 passed the following order: The learned Assistant Solicitor General has filed a statement in this case wherein it is stated that it is possible that blood money in the name of deceased may have been deposited in a local court in Abu Dhabi.

2. Unfortunately, the tenor of the statement is

that it is up to the petitioner to pursue the matter in such Court in Abu Dhabi. I do not think that this is fair because, to ask a person who finds it difficult even to provide properly for herself, to travel to Abu Dhabi to engage a counsel and to speculatively wait for the deposit of blood money appears to be severely harsh. I say no more.

3. I think it would have been desirable that

the officers of the Consulate understand the difficulties of their fellow citizens in India and to take such action, as would be possible and even to go an extra mile, if required, to alleviate the extreme case of distress projected in this case.

4. I hope that the officers of the Consulate

will rise to the occasion and see that every possible help is extended to the petitioner, including the obtention of blood money, if any, deposited in the local courts in Abu Dhabi and to pursue all legal remedies on behalf of the petitioner without shying away from such responsibility by saying that it is up to her to prosecute such remedies. I am of the firm view that this is a bounden duty of the officers in the Consulate in Abu Dhabi and their office will only be justified, if they are able to wipe, at least, the tears of the petitioner who has already encountered extreme agony and affliction in life on account of the death of her husband. I hope the needful will be done without any further delay and under that hope, I list this case for further consideration on 3rd April, 2017.

2. Respondents have filed a statement and submitted

that they have no roll to play as the requirement of law has to be complied by the Government of UAE. Therefore, this Court would not have jurisdiction to order for payment of compensation.

3. I am in agreement with the argument of the respondents

that once the husband of the petitioner had died while in employment, this Court do not have the jurisdiction under the laws pertaining to the country UAE. Writ petition is devoid of merit, accordingly dismissed. Sd/- AMIT RAWAL JUDGE
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APPENDIX OF WP(C) 27486/2013 PETITIONER EXHIBITS TRUE COPY OF THE LEGAL HEIR SHIP CERTIFICATE ISSUED BY THE ADDITIONAL EXT.P1 TAHSILDAR,KOYILANDY TRUE COPY OF THE DEATH CERTIFICATE ISSUED EXT.P2 BY HEALTH AUTHORITY,EMIRATE OF ABUDHABI TRUE COPY OF THE LETTER DATED 03-06-2008 ISSUED BY THE MINISTER OF OVERSEAS INDIAN EXT.P3 AFFAIRS,GOVERNMENT OF INDIA TRUE COPY OF THE LETTER DATED 26-06-2008 ISSUED BY THE 4TH RESPONDENT TO THE 2ND EXT.P4 RESPONDENT

TRUE COPY OF THE COMMUNICATION DATED 09EXT.P5 06-09 ISSUED BY THE 2ND RESPONDENT TO THE SPONSOR OF THE DECEASED PERSON

