

Virtual Court Writ Petition No.07 of 2020 with V.C.W.P.No.181 of 2020, V.C. W.P.No.17 of 2020 & V.C. W.P.No.561 of 2020 (Annex-17).

**Present:**

**Mr. Justice M. Enayetur Rahim**

**15.07.2020**

Mr. Muntasir Uddin Ahmed, Advocate with  
Mr. Niaz Muhammad Mahboob,  
Advocate and

Ms. Shahida Sultana, Advocate  
(in V.C. W.P. No.07 of 2020)

.....For the petitioner(in person)

Mr. Syed Ridwan Husain, Advocate  
(in V.C. W.P. No.07 of 2020)

...For the Co-petitioner

Mr. Rokan Uddin Mahmud, Advocate  
With

Mr. Tanjibul Islam, Advocate and  
Mr. Md. Mostafizur Rahman, Advocate  
(in V.C. W.P. No.07 of 2020)

... For the Respondent No.

Ms. Aneek R. Haque, Advocate  
(in V.C. W.P. No.561 & 17 of 2020)

.....For the petitioner

Mr. Hassan M.S. Azim, Advocate with  
Mr. Rakibul Hasan, Advocate  
(in V.C. W.P. No.181 of 2020)

.....For the petitioner

Mr. Kazi Ershadul Alam, Advocate  
(in V.C. W.P. No.07 of 2020)

.....For the Respondent No.3

Mr. Munirujjaman, Advocate  
(in V.C. W.P. No.07 of 2020)

.....For the Respondent No.9

Mr. Tushar Kanti Roy, DAG with  
Mr. Toufiq Sajawar, AAG

... For the Respondents

This Bench, having considered the submissions of the learned Advocates for the respective parties couple with the reports submitted by the authorities of United Hospital, Police, Fire Brigade and RAJUK respectively by an order dated 29.06.2020 asked the respective parties to make amicable settlement on the issue of compensation and today is fixed for further order.

Mr. Rokan Uddin Mahmud, Mr. Tanjibul Alam and Mr. Mostafizur Rahman Khan, the learned Advocates appearing for the United Hospital Authority today have submitted further that the instant writ petitions filed by the respective parties are barred under the Fatal Accident Act,1855. However, the learned Advocates have also informed the Court that the Hospital authority has already offered to pay Taka 20(twenty) lakh to each of the victim families as compensation and one of them has already accepted Tk.20,00,000/-(twenty lakh). But, the other victim families did not accept the offer of Tk.20,00,000/-(twenty lakh) as compensation.

In course of hearing Mr. Mahmud has further proposed to pay taka 25 lakh to each victim families.

On the other hand, the learned Advocates for the writ petitioners have submitted that the writ petitions are very much amenable under Article 102 of the Constitutions of People's Republic of Bangladesh and by this time High Court Division has passed orders in various writ petitions directing the concerned authorities person(s) to pay compensation to the accident victims or the accident

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victim families, which were affirmed by the Appellate Division.

This Bench is not in a position to decide finally the rival submissions and claim of the learned Advocates for the respective parties, at this stage.

However, this Court finds no legal bar to pass ad-interim order as the respective parties have appeared and made their submissions on the issue of compensation.

In view of the above, having considered the facts and circumstances of the present case, in particular, the sufferings of the victim families, and that the United Hospital Authority is ready to pay compensation to each victim families as it has already offered a particular quantum of money (taka 25 lakh), this Court is directed to pay Tk.30,00,000/-(thirty lakh) to the each victim families at this stage, before finalizing the compensation as demanded by the respective petitioners within a period of 15(fifteen) days from the date. The Hospital authority is also directed to file affidavit-in-compliance before this Court.

Let the matter be placed after re-opening the regular Court.

I.Sarwar/B.O.