
(2014) 04 RAJ CK 0078
In the Rajasthan High Court
Case No : Civil First Appeal No. 744/2012

Jaipur Vidyut Vitran Nigam Ltd.

APPELLANT

Vs

Rubina

RESPONDENT

Date of Decision : 15-04-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 96

Citation : (2014) 3 WLN 414

Hon'ble Judges : Bela M. Trivedi, J

Bench : Single Bench

Advocate : Dinesh Hisaria, Advocate for the Appellant; Kuldeep Verma, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Bela M. Trivedi, J.—The present first appeal filed under Sec. 96 of CPC arises out of the judgment and decree dt. 18.09.2012 passed by the Addl. District & Sessions Judge (Fast Track), Sawai Madhopur (hereinafter referred to as "the trial Court") in Civil Suit No. 39/11 (124/07) whereby the trial Court has awarded compensation to the tune of Rs. 2,13,032/- alongwith interest @ 9% per annum for the injuries sustained by the respondent No. 1. The short facts giving rise to the present appeal are that the respondent No. 1 through her natural guardian Noor Mohammed had filed the suit seeking compensation against the appellants-defendants, alleging inter alia that on 20.08.2000 at around 4.50 p.m. to 5.50 p.m. the respondent-plaintiff was playing at the roof of the neighbourhood house and she came in contact with 11 K.V. Line of the appellants-defendants, as a result of which she sustained injuries. As per the case of the respondent-plaintiff, she underwent the treatment at the S.M.S. Hospital, Jaipur and her fingers of the hands had to be amputated due to such injuries received by her and thus she suffered disability on account of the said accident which occurred due to the negligence of the appellants. The appellants-defendants had filed their written statement resisting the suit, however, the trial Court decreed the suit as stated

hereinabove.

2. It is submitted by the learned counsel Mr. Dinesh Hisaria for the appellants that the respondent-plaintiff had failed to prove any negligence on the part of the appellants, whereas it was the negligence of the respondent-plaintiff herself on account of which the accident had taken place. He also submitted that the compensation awarded by the trial Court was on higher side therefore the same is required to be reduced to a reasonable amount.

3. However the learned counsel Mr. Kuldeep Verma for the respondent No. 1 has submitted that the amount of compensation has already been paid to the respondent No. 1 and the order of the trial Court being just and proper, the same should not be interfered with. Having regard to the submissions made by the learned counsels for the parties and to the impugned judgment and decree passed by the trial Court, it appears that it was not disputed by the appellants that the respondent-plaintiff had suffered injuries on account of the electric shock received by her when she was playing at the roof of the neighbourhood house. It is also not disputed that her fingers of the hands were required to be amputated because of the said injuries. The learned counsel for the appellants has failed to point out any perversity or illegality in the impugned judgment and decree passed by the trial Court. Even otherwise, the appellants have already paid the entire compensation to the respondent-plaintiff as per the decree and, therefore, this Court is not inclined to interfere with the said judgment and decree. The first appeal being devoid of merits is dismissed.