
(2016) 02 RAJ CK 0168

In the Rajasthan High Court

Case No : Civil Regular First Appeal No. 151/1996

Kani

APPELLANT

Vs

Rajasthan State Electricity Board, Jaipur and Others

RESPONDENT

Date of Decision : 16-02-2016

Acts Referred:

Constitution of India, 1950 — Article 226, Article 32
Penal Code, 1860 (IPC) — Section 338

Citation : (2016) 1 WLCRajUC 589

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J.

Bench : Single Bench

Advocate : S.N. Kumawat, for the Appellant; Alok Garg, for the Respondent

Final Decision : Allowed

Judgement

Kanwaljit Singh Ahluwalia, J.—1. The present first appeal has been filed by Kumari Kani to assail the judgment dated 26.5.1995, rendered by the court of District Judge, District Jaipur, whereby the suit filed by the appellant-plaintiff Kumari Kani was dismissed on the ground that she has failed to prove rash and negligent act on the part of the respondent-defendants.

2. In the suit, the appellant-plaintiff had prayed for grant of compensation of Rs. 65,000/-.

3. The present appeal has been filed by the appellant-plaintiff in his capacity as indigent person. The application filed by the appellant-plaintiff to pursue this appeal as indigent person was accepted on 1.5.2006 by the co-ordinate Bench.

4. The appellant-plaintiff had set out a case that she suffered bodily injuries on 31.7.1991 due to electrocution. The suit was filed on behalf of the appellant-plaintiff by her father as she was minor. It was pleaded in the suit that due to negligence of the respondent-defendants, as a result of electrocution, right hand of the appellant was amputated on 13.8.1991. The same also caused burn on her face and she suffered permanent disfigurement and became ugly and her

matrimonial prospects have diminished.

5. Reply to the suit was filed and all the averments made in the plaint were denied by the respondent-defendants. It was stated that on 31.7.1991, the respondent-defendants had not received any information that either due to fall or tilting of electric pole, electric wires had fallen on the ground.

6. The trial court after pleadings were complete, formulated eight issues. Out of eight issues formulated, only three issues are important;

"(a) Whether the appellant-plaintiff suffered bodily injuries due to electrocution and as a result thereof, her hand was amputated or not?

(b) Whether rash and negligent act can be attributed to the respondent-defendants?

(c) If respondent-defendants are found to be rash and negligent, what ought to be quantum of compensation?"

7. The appellant-plaintiff herself appeared in the court as P.W.1. She stated that she had gone to graze the cattle in village Gopalgarh. She found that in the field of Devi Lal Meena, Sarpanch, electric poles were tilted towards the ground and the electric wires had fallen on the ground and due to presence of trees, she could not see the wires. This witness in cross-examination stated as under:--

8. Ram Lal father of the appellant, appeared as P.W.2. This witness also deposed that due to electrocution, Kumari Kani suffered bodily injuries and her hand had to be amputated. As a result thereof, her marriage prospects have diminished and she is not even able to do labour work. In cross-examination, this witness stated that after 5-6 days of electrocution, Electricity Department had carried repairs. This witness stated as under:--

9. Sadul Singh was posted as Lineman in Rajasthan State Electricity Board at Jamwaramgarh Bandh. This witness appeared as D.W.1. This witness stated that he had not received any complaint regarding falling of the electric lines on the ground.

10. To similar effect is the statement made by Govind Ram (D.W.2). The respondent-defendants also examined Dev Narayan and Narayan as D.W.3 and D.W.4, respectively.

11. The appellant-plaintiff has placed on record Discharge Ticket (Exhibit-1) issued by Burn Re-constructive and Plastic Surgery Department. A perusal of Exhibit-1 reveals that amputation of right forearm of the plaintiff was carried. Exhibit-2 is the FIR lodged by Bhomaram. It is to be noted that a case was registered against employees of Electricity Department under Section 338 IPC.

12. The trial court came to the conclusion that indeed Right Forearm of Kumari Kani plaintiff was amputated due to electrocution but the court further held that whether electrocution was result of rash and negligent act of the respondent-

defendants, the appellant-plaintiffs has not been able to prove its case. It will be apposite here to reproduce following portion of the judgment as under:--

13. The court further applied computation to determine the compensation and came to the conclusion that the plaintiff is entitled to Rs. 25,000/- as compensation. The court further awarded Rs. 2352.80 paisa towards reimbursement of the medical expenses. However, the court came to the conclusion that the plaintiff has failed to prove that electrocution was result of rash and negligent act on the part of the respondent-defendants.

14. The entire approach adopted by the trial court cannot be accepted in view of recent pronouncements by various courts fastening the department with strict liability. Recently Single Judge of Punjab and Haryana High Court, Mr. Rajiv Narain Raina J., in Raman v. State of Haryana & Others, CWP 14046 of 2012 (O & M), decided on 2.7.2013, had observed as under:--

"I think that on failure to use all reasonable means to prevent escape of an inherently dangerous thing, which by nature electricity is, the standard of care will be very high and the onus would be on the supplier to show that there was no negligence. In this case, the respondent-Nigam has not successfully discharged the onus to the satisfaction of this Court.

Though Nilabati Behera (supra) dealt with a case of custodial death, but the principles of award of compensation in cases of contravention of the fundamental right to life and liberty based on "strict liability" laid down are of universal application in other fact situations demanding intervention. In cases where there is a factual controversy of the kind which cannot be addressed in writ jurisdiction, should a petitioner be relegated to the ordinary remedy of civil suit if his claim to compensation is actually controversial in nature which requires admitting evidence to establish such rights. The distinction between rights based on "strict liability" remediable in writ proceedings where there is public law element involved and tortious liability would have to be kept in mind. Sovereign immunity does not apply to "strict liability" and can be used as defence in private law in an action based on tort. In paragraph 10 of Nilabati Behera the Supreme Court held as under:--

"10. In view of the decisions of this Court in Rudul Sah v. State of Bihar and Another, , [1983] 3 S.C.R. 508, Sebastian M. Hongray v. Union of India and Others, , [1984] 1 S.C.R. 904 and , [1984] 3 S.C.R. 544, Bhim Singh v. State of J&K , [1984] Supp. S.C.C. 504 and , [1985] 4 S.C.C. 677, Saheli, A Women's Resources Centre and Others v. Commissioner of Police, Delhi Police Headquarters and Others, , [1990] 1 S.C.C. 422 and State of Maharashtra and Others v. Ravikant S. Patil, , [1991] 2 S.C.C. 373, the liability of the State of Orissa in the present case to pay the compensation cannot be doubted and was rightly not disputed by the learned Additional Solicitor General. It, would, however, be appropriate to spell out clearly the principle on which the liability of the State arises in such cases for payment of compensation and the distinction

between this liability and the liability in private law for payment of compensation in an action on tort. It may be mentioned straightaway that award of compensation in a proceeding under Article 32 by this court or by the High Court under Article 226 of the Constitution is a remedy available in public law, based on strict liability for contravention of fundamental rights to which the principle of sovereign immunity does not apply, even though it may be available as a defence in private law in an action based on tort. This is a distinction between the two remedies to be borne in mind which also indicates the basis on which compensation is awarded in such proceedings. We shall now refer to the earlier decisions of this Court as well as some other decisions before further discussion of this principle."

In paragraphs 17, 18, 19 and 22 of the report there are contained guiding principles for Courts to follow and apply. They read as follows:--

"17. It follows that "a claim in public law for compensation" for contravention of human rights and fundamental freedoms, the protection of which is guaranteed in the Constitution, is an acknowledged remedy for enforcement and protection of such rights, and such a claim based on strict liability made by resorting to a constitutional remedy provided for the enforcement of a fundamental right is "distinct from, and in addition to, the remedy in private law for damages for the tort" resulting from the contravention of the fundamental right.

The defence of sovereign immunity being inapplicable, and alien to the concept of guarantee of fundamental rights, there can be no question of such a defence being available in the constitutional remedy. It is this principle which justifies award of monetary compensation for contravention of fundamental rights guaranteed by the Constitution, when that is the only practicable mode of redress available for the contravention made by the State or its servants in the purported exercise of their powers, and enforcement of the fundamental right is claimed by resort to the remedy in public law under the Constitution by recourse to Articles 32 and 226 of the Constitution. This is what was indicated in *Rudul Sah* and is the basis of the subsequent decisions in which compensation was awarded under Articles 32 and 226 of the Constitution, for contravention of fundamental rights.

18. A useful discussion on this topic which brings out the distinction between the remedy in public law based on strict liability for violation of a fundamental right enabling award of compensation, to which the defence of sovereign immunity is inapplicable, and the private law remedy, wherein vicarious liability of the State in tort may arise, is to be found in *Ratanlal & Dhirajlal's Law of Torts*, 22nd Edition, 1992, by Justice G.P. Singh, at pages 44 to 48.

19. This view finds support from the, decisions of this Court in the *Bhagalpur* blinding cases: *Kharti and Others (II) v. State of Bihar and Others*, , [1981] 1 S.C.C. 627 and *Kharti and Other (TV) v. State of Bihar and Others*, , [1981] 2 S.C.C. 493, wherein it was said that the court is not helpless to grant relief in a

case of violation of the right to life and personal liberty, and it should be prepared to forge new tools and devise new remedies" for the purpose of vindicating these precious fundamental rights. It was also indicated that the procedure suitable in the facts of the case must be adopted for conducting the inquiry, needed to ascertain the necessary facts, for granting the relief, as the available mode of redress, for enforcement of the guaranteed fundamental rights. More recently in *Union Carbide Corporation and Others v. Union of India and Others*, , [1991] 4 S.C.C. 584, Misra, C.J. stated that "we have to develop our own law and if we find that it is necessary to construct a new principle of liability to deal with an unusual situation which has arisen and which is likely to arise in future..... there is no reason why we should hesitate to evolve such principle of liability....." To the same effect are the observations of Venkatachaliah, J. (as he then was), who rendered the leading judgment in the Bhopal gas case, with regard to the court's power to grant relief.

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22. The above discussion indicates the principles on which the Court's power under Articles 32 and 226 of the Constitution is exercised to award monetary compensation for contravention of a fundamental right. This was indicated in *Rudul Sah* and certain further observations therein adverted to earlier, which may tend to minimize the effect of the principle indicated therein, do not really detract from that principle. This is how the decisions of this Court in *Rudul Sah* and others in that line have to be understood and *Kasturilal* distinguished therefrom. We have considered this question at some length in view of the doubt raised, at times, about the propriety of awarding compensation in such proceedings, instead of directing the claimant to resort to the ordinary process of recovery of damages by recourse to an action in tort. In the present case, on the finding reached, it is a clear case for award of compensation to the petitioner for the custodial death of her son."

(underlined for emphasis)

In *Dr. Mehmood Nayyar Azam v. State of Chhattisgarh and others*, , JT 2012 (7) SC 178, the Supreme Court while dealing with the question of compensation in a case of torture and harassment in police custody, observed that when the matter is of public law remedy, the compensation can be allowed as it is an independent right available to an aggrieved party under private law. The interfacing appears to be between private law injuries adjudicated through public law remedy.

In *Madhya Pradesh Electricity Board v. Shail Kumari and others*, , AIR 2002 SC 551, the factual situation obtaining was that a live electric wire had snapped and was lying on a public road partially inundated with rain water when the deceased unwittingly rode over the wire on a bicycle which then twitched and snuffed his life instantaneously. The Supreme Court held:--

"7. It is an admitted fact that the responsibility to supply electric energy in the particular locality was statutorily conferred on the Board. If the energy so

transmitted causes injury or death of a human being, who gets unknowingly trapped into it the primary liability to compensate the sufferer is that of the supplier of the electric energy. So long as the voltage of electricity transmitted through the wires is potentially of dangerous dimension the managers of its supply have the added duty to take all safety measures to prevent escape of such energy or to see that the wire snapped would not remain live on the road as users of such road would be under peril. It is no defence on the part of the management of the Board that somebody committed mischief by siphoning such energy to his private property and that the electrocution was from such diverted line. It is the look out of the managers of the supply system to prevent such pilferage by installing necessary devices. At any rate, if any live wire got snapped and fell on the public road the electric current thereon should automatically have been disrupted. Authorities manning such dangerous commodities have extra duty to chalk out measures to prevent such mishaps.

8. Even assuming that all such measures have been adopted, a person undertaking an activity involving hazardous or risky exposure to human life, is liable under law of torts to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of the managers of such undertakings. The basis of such liability is the foreseeable risk inherent in the very nature of such activity. The liability cast on such person is known, in law, as "strict liability". It differs from the liability which arises on account of the negligence or fault in this way i.e. the concept of negligence comprehends that the foreseeable harm could be avoided by taking reasonable precautions. If the defendant did all that which could be done for avoiding the harm he cannot be held liable when the action is based on any negligence attributed. But such consideration is not relevant in cases of strict liability where the defendant is held liable irrespective of whether he could have avoided the particular harm by taking precautions.

9. The doctrine of strict liability has its origin in English Common Law when it was propounded in the celebrated case of *Rylands v. Fletcher* (1868 Law Reports (3) HL 330). Blackburn J., the author of the said rule had observed thus in the said decision: "The rule of law is that the person who, for his own purpose, brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril; and if he does so he is prima facie answerable for all the damage which is the natural consequence of its escape."

10. There are seven exceptions formulated by means of case law to the doctrine of strict liability. It is unnecessary to enumerate those exceptions barring one which is this. "Act of stranger i.e. if the escape was caused by the unforeseeable act of a stranger, the rule does not apply". (vide Page 535 Winfield on Tort, 15th Edn.)

11. The rule of strict liability has been approved and followed in many subsequent decisions in England. A recent decision in recognition of the said doctrine is rendered by the House of Lords in *Cambridge Water Co. Ltd. v.*

Eastern Counties Leather Plc. {1994(1) All England Law Reports (HL) 53}. The said principle gained approval in India, and decisions of the High Courts are a legion to that effect. A Constitution Bench of this Court in Charan Lal Sahu v. Union of India and a Division Bench in Gujarat State Road Transport Corporation v. Ramanbhai Prabhatbhai had followed with approval the principle in Rylands v. Fletcher. By referring to the above two decisions a two Judge Bench of this Court has reiterated the same principle in Kaushnuma Begum v. New India Assurance Co. Ltd. , (2001) 2 SCC 9}.

12. In M.C. Mehta v. Union of India this Court has gone even beyond the rule of strict liability by holding that "where an enterprise is engaged in a hazardous or inherently dangerous activity and harm is caused on any one on account of the accident in the operation of such activity, the enterprise is strictly and absolutely liable to compensate those who are affected by the accident; such liability is not subject to any of the exceptions to the principle of strict liability under the rule in Rylands v. Fletcher."

(underlining for emphasis)

The defense of the supplier of electricity in the aforesaid case was that the death caused by electrocution was due to the clandestine pilferage committed by a stranger of unauthorized siphoning the electricity energy from the supply line and hence the wrongdoer alone should be mulcted with the burden of damages. The Supreme Court did not accept this defence and upheld compensation awarded by the High Court. In A. Krishna Patra (supra), the Division Bench of the Orissa High Court in a case of death by electrocution observed as follows:--

"8. The question relating to the liability of the Orissa State Electricity Board in case of death by electrocution due to snapping of transmission line or the like reason, came up for consideration before this Court in two recent cases, namely, Smt. Rajani Devi v. Chairman, Orissa State Electricity Board, (1996) 81 Cut LT 353, and Uttam Sahu v. Chairman, Orissa. State Electricity Board, , (1996) 2 OLR 99. In both these cases, the cause of death was electrocution due to coming in contact with a snapped line which remained charged. While dealing with the question in Rajani Devi's case (supra), after referring to Rule 91 of the Indian Electricity Rules which relates to safety and protective devices and paragraphs 35 and 36 contained in Volume 37 of the Halsbury's Laws of England, 4th Edition, it has been held that the law is clear that the O.S.E.B. must take special precautions in the operations connected with the transmission of energy through over-head lines. It was further indicated therein that in such cases, the burden will be heavy on the Board to establish that they could have prevented the escape of electric current as such things do not happen, if those who have the management use proper care. In the case at hand, it is the plea of the O.S.E.B. that neither they were negligent nor was the snapping of the live conductor due to lack of supervision, However, this is belied by the report of the Electrical Inspector which indicates that one of the phased Conductors snapped as it had outlived its utility and had become mechanically weak. This clearly indicates the

lack of care, caution and proper supervision on the part of the opposite parties. Nay, it indicates a clear case of object indifference, for it was the bounden duty of the opposite parties to see that a mechanically unsound and weak conductor is replaced, looking to the very serious consequences which are likely to follow, which indeed have happened in this case. Permitting transmission of electrical energy through conductors which have outlived their utility and have become mechanically weak and unsound would itself be an indication of negligence. If such a conductor snaps and the line does not become electrically harmless and thereby results in the death of a person, this would by itself be a ground for imputing negligence to the O.S.E.B. In such a case, the burden would, we feel, be on the O.S.E.B. to explain and not on the claimant to establish negligence of the O.S.E.B. The petitioner need show nothing more.

9. The plea of an inevitable accident or an act of God advanced at the stage of hearing, cannot come to the aid of the opposite parties. While considering the question of inevitable accident or an act of God, it will be useful to reproduce a passage from the Law of Torts, 22nd Edition, by Justice G.P. Singh, which reads thus:

"All causes of inevitable accidents may be divided into two classes: (1) those which are occasioned by the elementary forces of nature unconnected with the agency of man or other cause; and (2) those which have their origin either in the whole or in part in the agency of man, whether in acts of commission or omission, non-feasance or misfeasance, or in any other causes independent of the agency of natural forces. The terms "act of God" is applicable to the former class."

An inevitable accident is an event which happens not only without the concurrence of the will of the man, but in spite of all efforts on his part to prevent it. It means, an accident physically unavoidable something which cannot be prevented by human skill or foresight. We have already referred to the report of the Electrical Inspector which indicates that the conductors snapped as it had outlived its utility and had become mechanically weak and unsound. Had the Board exercised proper care and supervision, it could have taken proper and prompt steps to replace the mechanically unsound and weak conductor in time, but that was not done. Thus, it cannot be said that the O.S.E.B. could not have prevented the incident by exercise of ordinary care, caution and proper supervision. Thus, it is not a case where the accident took place in spite of all efforts on the part of the O.S.E.B. to prevent it. In other words, it can be said that the accident was solely due to lack of care and caution on the part of the O.S.E.B. and its functionaries. Thus, it follows that the plea of an inevitable accident is wholly misconceived and cannot come to the aid of the opposite parties for getting out of its liability.

10. An "act of God" is an inevitable or unavoidable accident without the intervention of the man; some casualty which the human foresight could not discern and from the consequence of which no human protection could be

provided. This is not a case where the incident was due to unexpected operation of natural forces free from human intervention which no reasonable human foresight could be presumed to anticipate its occurrence or to prevent it. On the contrary, the material on record clearly indicates that but for indifference and inaction -- negligence of the O.S.E.B. in not replacing the mechanically unsound and weak conductor which had outlived its utility, the incident may not have occurred.

11. Thus, though under the Electricity Act 1910 and the Electricity Supply Act, 1948, transmission of electric energy may absolve the O.S.E.B. from liability for nuisance for the escape of electric energy but in a case of negligence or, we may say, due to lack of care, inasmuch as the O.S.E.B. fails to use all reasonable means to prevent such escape, the O.S.E.B. will be liable, for in view of the inherently dangerous nature of electricity, the standard of care will necessarily be very high and it would be for the O.S.E.B. to show that there was no negligence in a case like the one at hand.

12. As a reference was made to the case of *Rylands v. Fletcher* (1868-LR 3HL 330) (supra), the same may be dealt with briefly. In that case, the defendants had constructed a reservoir upon their land, in order to supply water to their mill. On the site that was chosen for the reservoir, there existed some shafts of a coal mine which was not in use. However, the passages also led to the adjoining mine which was owned by the plaintiff. This, however, was not discovered at the time of construction with the result that when the reservoir was filled, the water went down to the shaft and flooded the plaintiff's mine. Under these facts, the plaintiff instituted a suit for damages and succeeded. Dismissing the defendants' appeal, it was held by the House of Lords:

"The question of law therefore arises, what is the obligation which the law casts on a person who, like the defendants, lawfully brings his land something which, though harmless while it remains there, will naturally do mischief if it escapes out of his land? It is agreed on all hands that he must take care to keep in that which he has brought on the land and keep there, in order that it may not escape and damage his neighbours; but the question arises whether the duty which the law casts upon him under such circumstances is an absolute duty to keep it at his peril or is, ... merely a duty to take all reasonable and prudent precautions in order to keep it in, but no more...

We think that the true rule of law is that the person who for his own purposes brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril, and if he does not do so is prima facie answerable for all the damage which is the natural consequence of its escape. He can excuse himself by showing that the escape was owing to the plaintiff's default; or, perhaps, that the escape was the consequence of "vis major" or the act of God; but as nothing of this sort exists here, it is unnecessary to enquire what excuse would be sufficient."

(underlining for emphasis)

In Suresh Kumar (supra), a Division Bench of the Kerala High Court while dealing with a case of compensation for injuries caused to a child on coming in contact with the 11 KV line live electric wire, upheld award of compensation for injuries sustained. The facts of the case were that a stay wire which supported the electric pole holding the 11 KV line had been cut two days prior to the incident by some workers of the defendant Board. As a result, the pole gradually leaned and the wire sagged to a height of about one meter above the paddy field, the child came in contact with the wire resulting in severe injuries and burns resulting in amputation of his right arm below the elbow.

In the 11th Edition of Winfield and Jolowicz on Tort by Sweet and Maxwell, it has been observed by the learned authors at page 352 and at page 889 as under:--"Electricity, is a dangerous thing and consequently the duty of those who own or control it is that laid down in Rylands v. Fletcher ((1868) LR 3 HL 330). The liability for electricity is precisely the same as for gas.

"Liability for electricity is the same as for gas. It has been decided that the principle of Rylands v. Fletcher ((1868) LR 3 HL 330) applies to electricity, and consequently the owners of wires or cables through which an electric current is passing must keep them innocuous at their peril."

In U.P. Rajya Vidyut Parishad v. Chandra Pal, , 2002(3) RCR (Civil) 154, the Allahabad High Court held that failure of Electricity Board to maintain proper height of transmission wires was a per se negligent act and the doctrine of res ipsa loquitur was applicable. Merely putting up a notice or danger sign would not absolve the Board from its liability for injuries suffered or death caused. In this strain, see also cases of electrocution; State of J&K v. Mohd. Iqbal, AIR 2007 J&K 1; Smt. Aunguri Devi v. Haryana Vidyut Prasaran Nigam Ltd. (P&H) (DB), , 2002 (2) RCR (Civil) 414; Mushtaq Ahmed v. State of J. & K., , AIR 2009 J&K 29; Ramesh Singh Pawar v. M.P.E.B (M.P.), , AIR 2005 M.P. 2; Paramjit Kaur v. State of Punjab (P&H) (DB), , 2008 (4) RCR (Civil) 772; Dano Bai v. Punjab State, (P&H) (DB), , 1997(1) PLR 414; Maya Rani Banik v. State of Tripura, (Gauhati) (DB), , AIR 2005 Gauhati 64 and U.P. Power Corporation v. Bijendra Singh, , AIR 2009 Allahabad 56 etc.

On a reading of the above case law the real question in this case which arises to my mind is whether the supplier of electricity can excuse himself by showing that the escape was owing to the petitioner's default. There is, however, little doubt on the other issues arising out of strict liability; burden of proof of escape of potentially dangerous thing causing injury wittingly or by surprise; standard of care required from Licensee which is circumspect statutorily under the Act and rules to do certain acts and things in the manner specified; jurisdiction of this court to award compensation in appropriate cases in writ jurisdiction and the connected issue of quantification of compensation so that it is neither under compensation nor overcompensation etc.; that in the present case such factors

tilt in favour of the injured and need not detain us."

15. The learned Single Judge of Punjab & Haryana High Court in the above noted case has awarded compensation of about thirty lakhs, however, in all Electricity Department was fastened with liability of rupees sixty lakhs.

16. Mr. S.N. Kumawat, the learned counsel for the appellant has not doubted the contention raised by Mr. Alok Garg, the learned counsel for the respondent, that in appeal amount cannot be awarded more than what is claimed in the suit.

17. As a result of above discussion, relying upon the judgment rendered by the learned Single Judge of Punjab & Haryana High Court in the case of Raman (supra), which has been upheld by the Supreme Court in the case of Raman v. Uttar Haryana Bijli Vitran Nigam Ltd., reported in , 2015 ACJ 484, the present appeal is allowed in toto.

18. Rs. 65,000/- is awarded as compensation to the appellant-plaintiff. Considering that due to amputation matrimonial prospects of appellant-plaintiff have diminished and she is not able to carry on her day to day avocation and following the ratio of judgment rendered in Raman (supra), further interest of 8.5% is awarded in favour of the plaintiff from the date of incident till its realization.

19. Mr. Alok Garg, the learned counsel for the respondent has assured this court that the payment of the amount due shall be paid within three months to the appellant.

20. Mr. S.N. Kumawat, the learned counsel for the appellant at this juncture stated that number of appeals pertaining to electrocution where Rajasthan State Electricity Board/Jaipur Vidhyut Vitran Nigam Ltd. is party are pending before this Court and in all those appeals, doctrine of strict liability, which has been upheld by the Apex Court in Raman's case (supra) has not been considered. Mr. Kumawat, thus, submitted that all those appeals can be decided taking into consideration the judgment rendered by the Supreme Court in Raman's case (supra).

21. There is merit in the submission made by Mr. Kumawat, the learned counsel for the appellant. Hence, Mr. Alok Garg, the learned counsel for the respondents is directed to obtain list of all pending appeals wherein Rajasthan State Electricity Board/Jaipur Vidhyut Vitran Nigam Ltd. is party, from the respondent department. The list so obtained shall be furnished in the Registry within two weeks.

22. The Registry, thereafter, shall list all the appeals so that they are decided on the touch-stone of judgment rendered by the learned Single Judge of Punjab & Haryana High Court in Raman's case supra, which has been upheld by the Apex Court in Raman v. Uttar Haryana Bijli Vitran Nigam Ltd., reported in , 2015 ACJ 484, also.