
(2014) 02 P&H CK 0033
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9374 of 2000

Kanwaljit Kaur

APPELLANT

Vs

Haryana Vidyut Prasaran Nigam Ltd.

RESPONDENT

Date of Decision : 19-02-2014

Acts Referred:

Citation : (2014) 175 PLR 696

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Advocate : G.P. Singh, Advocate for the Appellant

Final Decision : Allowed

Judgement

Ritu Bahri, J.—The petitioners are seeking issuance of direction to the respondents to compensate them for the death of their son Akashdeep, aged about 7 years, due to negligence of respondents. On 23.05.1999, when son of the petitioners was going to play, an electric wire fell on him, as a result thereof, he died on the spot. He was taken to the hospital, where he was declared dead. An investigation was carried out by the Chief Electrical Inspector, who gave his report as under:-

"Sh. Akashdeep son of Sh. Gurdeep Singh got an electric shock and died at village Shamshabad Patti. During investigation, it was revealed that the neutral wire of the LT Line passing along the Basti broke and fell down on the ground. Neutral (Broken) remained live and fuses did not blow off. Sh. Akashdeep was passing this broken neutral wire suddenly got entangled and received electric shock and fell down on the ground. He was taken to hospital where he was declared dead by the doctors. Had the proper capacity of fuse been provided in the LT fuse unit the accident could have been avoided."

2. As per the opinion of the Chief Electrical Inspector, Rule 29 of the Indian Electricity Rules, 1956, has been violated and Haryana Vidyut Prasaran Nigam Ltd. (HVPNL) was responsible for the accident.

3. The matter was immediately reported to the police on 23.05.1999 vide DD No. 8, apart from informing the Electricity Board (respondent Nigam). The postmortem of the son of the petitioners was conducted in Civil Hospital, Sirsa. The postmortem report is reproduced as under:-

"The cause of death in this case, in my opinion, is as a result of electric shock injuries described which are ante mortem in nature and sufficient to cause death in ordinary course of nature."

4. The petitioners gave legal notice dated 07.08.1999 (Annexure P-1) to the respondents, which was received by them. The respondents gave reply (Annexure P-2) to the legal notice of the petitioners, wherein the claim of compensation was denied on the ground that on 23.05.1999, it was cloudy and stormy day and rains were followed by cyclone, which must have resulted in breaking of electric wire. It was an act of God and nature and the respondents were not responsible for the alleged accident.

5. This petition was admitted on 12.02.2001. No written statement has been filed by the respondents. Even none has put in appearance on behalf of the respondents.

6. As per the postmortem report, the cause of death was due to electric shock injuries. The postmortem was conducted on 23.05.1999 when the accident had taken place. Reference has been made to the investigation report of the Chief Electrical Inspector, in which it has been observed that Akashdeep got entangled with the neutral wire, which broke down and had fallen on the ground. As per the enquiry report, the HVPNL was held responsible for the accident.

7. In these circumstances, this Court is of the view that cause of death of son of the petitioners, who was aged about 7 years, was due to electrocution. Even as per the investigation report, it has been affirmed further that the respondent-department (HVPNL) was negligent and responsible for the said accident.

8. Even though, no written statement has been filed, but accepting the facts mentioned in the petition to be true, this Court unhesitatingly proceeds to assess the compensation, which can be paid to the petitioners.

9. The son of the petitioners was 7 years old. In similar circumstances, a Coordinate Bench of this Court in Smt. Sukkar and another v. State of Haryana, CWP No. 11838 of 2011 (decided on 04.07.2012), has awarded compensation to the tune Rs. 6,40,000/-.

10. No interim compensation has been given by the respondents to the petitioners even though a finding has been given by the Chief Electrical Inspector. Accordingly, the respondents are directed to pay compensation to the petitioners to the tune of Rs. 7,00,000/-. This compensation shall be paid to the petitioners within a period of two months from the date of receipt of certified copy of this order.

Petition stands allowed accordingly.