
(2000) 11 SC CK 0155

In the Supreme Court Of India

Case No : Civil Appeal No. 10678 of 1996

State of Rajasthan

APPELLANT

Vs

Ram Prasad and Another

RESPONDENT

Date of Decision : 23-11-2000

Acts Referred:

Citation : (2000) 3 AWC 1485

Hon'ble Judges : S. Rajendra Babu, J;S. N. Phukan, J;D. P. Mohapatra, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

S.RAJENDRA BABU, J.-A claim was made under the Workmen's Compensation Act, 1923 for compensation in respect of death of Smt. Gita who died on account of an accident that took place while she was engaged in doing work for the appellant.

2. The accident, it is stated, took place on account of lightning. The contention put forth on behalf of the appellant is that the mishap of death of Smt. Gita due to lightning is in act of God and, therefore, not liable to pay compensation. This contention has been rejected not only by the Commissioner for Workmen's Compensation but also by the learned single Judge in appeal and thereafter by a Division Bench in a further appeal. The view taken is that the concept of the liability under the Act is wide enough to cover a case of this nature inasmuch as death had taken place arising as a result of accident in the course of employment. It is no doubt true that accident must have a causal connection with the employment and arise out of it. If the workman is injured as a result of natural force such as lightning though in itself has no connection with employment she can recover: compensation by showing such employment exposed her to such injury. In this case the finding is that the said Smt. Gita was working on the site and would not have been exposed to such hazard of lightning striking her had she not been working so.

3. The learned Counsel for the appellant relied upon a decision of this Court in Mackinnon Mackenzie & Co. Pvt. Ltd. v. Ibrahim Mohammed Issak, AIR 1970 SC 1906 :1969 (2) SCC 607 : 1970-I-LLJ-16. The view a taken by the Courts below is not inconsistent with the view taken by this Court. The appeal is therefore dismissed.