

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No. RFA No. 6/2022

Date of pronouncement:- 25.09.2026

Date of uploading:- 28.09.2026

1. Union Territory of J&K
through Secretary/Commissioner
to Govt., Power Dev. Department,
J&K Govt., Jammu/Srinagar.
2. Executive Engineer,
Power Development Department,
Division Poonch.
3. Assistant Executive Engineer,
PDD Sub-Division Mandi.
4. Junior Engineer, PDD Sub
Division, Mandi.

.....Appellant(s)

Through: Mr. Meharban Singh, AAG

Vs.

Ravisa Bano (minor)
D/o Mohd. Hafiz,
R/o Sawjian, Tehsil Mandi,
through Mohd. Hafiz (father of the minor)

..... Respondent(s)

Through: None

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE
ORDER
25.09.2026

CM No.1985/2022

1. Before touching the nub of the controversy, it is necessary to note that although the appeal on hand was admitted on 12 September 2022, the record throughout discloses that the

appeal is barred by limitation by 330 days. On wading through the file, it further appears that the appellants had filed an application for condonation of delay, yet they too did not bother to apprise the Court of the same at the appropriate stage.

2. Be that as it may, the matter has been finally heard. Having regard to the nature of controversy and in order to keep the record straight, I am inclined to consider the appeal on merits, more so, the respondent was allowed to file the suit as indigent person. The application details the administrative approvals required at different levels, which occasioned the delay, and also invokes the intervening Covid period. The explanation furnishes sufficient cause. The delay of 330 days in filing appeal is accordingly condoned.

3. The application stands disposed of.

RFA No. 6/2022

4. Challenge in this Regular 1st Appeal is thrown to the judgment and decree dated 18 January 2021 passed by the learned Principal District Judge, Poonch [the trial Court] in civil suit No. 71/Civil, titled ***Ravisa Bano Vs. State of J&K and ors.***, whereby the trial Court held the respondent (plaintiff before the trial Court) entitled to compensation of Rs. 3,25,000/- along with interest @ 8 % per annum from the date of institution till realization.

5. The facts germane to the appeal, in brief, are that the respondent suffered electric shock on 04 June 2016 while returning

home after attending school, resulting in 40% disability. She was then 16 years of age and a student. Being minor, a suit for compensation of ₹ 10,00,000/-(ten lakhs) was instituted through her father as an indigent person, for the injuries and disablement suffered on account of the alleged negligence of the appellants herein (defendants before the trial Court). The trial Court framed the following issues:-

“1. Whether on 04.06.2015 at 3 p.m the plaintiff due to negligent act of the defendant got electrocuted with electric wires and received burn injuries on her left fore arm causing permanent disablement to her?...OPP.

2. In case issue No. 1 is proved in affirmative whether the plaintiff is entitled to compensation if yes, to what extent?... OPP.

3. Relief?. O.P. Parties.”

6. Be it noted that there appears to be some typographical error occurred in citing the year of alleged accident, but the alleged mishap is not in dispute, therefore, nothing turns on this clerical variance.

7. The parties were directed to lead evidence, the respondent led evidence, however, the appellants failed to lead any evidence to discharge the burden. Holding that the disability suffered by the respondent was on account of the negligence of the appellants, the trial Court decreed the suit and awarded compensation amounting to ₹ 3,25,000/- with interest at 8 % per annum from the date of institution till realization.

8. The appellants (Power Development Department) challenge the decree mainly on two counts; first, that there was no negligence on their part in maintaining the electric wire; and second, that the trial Court did not follow the correct procedure while quantifying the compensation. On these grounds, they prayed that the judgment and decree be set aside.

9. Heard and perused the record.

10. To discharge the burden on issue No.1, the respondent led the evidence to prove the negligence of the appellants in maintaining the electric wires, which resulted in sustenance of burn injuries and permanent disability. The deposition of the respondent's witnesses is consistent that she came into contact with a low-lying electric wire at a height of about 3 to 4 feet, and thereby suffered burn injuries culminating in disability.

11. In rebuttal, the appellants though afforded due opportunity, miserably failed to lead any evidence.

12. There is sufficient material on record in the shape of testimonies of six witnesses of the respondent, including PW Dr. Manjeet Singh and PW Mohd. Shabir, SGCT. The medical evidence proves disability to the extent of 40 % and FIR No.49/2015 in respect of occurrence also stands registered. The remaining witnesses have sufficiently proved that, by reason of the appellants negligence in maintaining the electric wire, the respondent came into contact with it, suffered electrocution and consequent

disablement. The trial Court, therefore, rightly concluded that respondent was entitled to compensation.

13. The other limb of the challenge, directed against the manner of quantifying compensation, is equally without merit. It is the duty of the Court to award just compensation. The sum awarded by the trial Court is, if anything, on the lower side for 40 % permanent disability suffered by a minor student, therefore, no illegality or perversity is made out on this score.

14. Anyone generating, transmitting, supplying high voltage electric energy is bound to take all measures necessary to prevent its uncontrolled escape. Liability for harm caused for such escape is *strict*. Unlike negligence, where the defendant may escape if reasonable precautions were taken, *strict* liability fastens irrespective of care. This Court so held in “**Gittan Ram and anr Vs. State**” (AIR 2013 J&K 83). सत्यमेव जयते

15. Hon’ble Supreme Court in “**M.P Electricity Board Vs. Shail Kumar & Ors**”, (AIR 2002 SC 551), has settled that the supplier of electric energy bears primary liability where a person is injured by transmitting energy. So long as the voltage is of dangerous dimension, the managers of supply must prevent escape of energy and ensure that a snapped wire does not remain live. Even if all measures are adopted, the activity being hazardous, liability remain strict, founded on the foreseeable risk inherent in the activity itself.

16. Once it is shown that the tortfeasor is dealing in hazardous electric energy, the supplier is bound to compensate. Proof of want of care is not a condition precedent. The basis of the liability is the foreseeable risk inherent in the very nature of the activity.

17. In view of the settled proposition of law, I find no error of law or fact in the impugned judgment and decree dated 18 January 2021 passed by learned Principal District Judge, Poonch. Accordingly same is upheld and resultantly, the appeal is dismissed along with connected CM(s). There shall be no order as to costs.



(SHAHZAD AZEEM)
JUDGE

JAMMU
25.09.2026
Tarun/PS

सत्यमेव जयते

Whether the order is speaking? Yes
Whether the order is reportable? Yes