



CGHC010189802017



2026:CGHC:27581

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCC No. 373 of 2017**

**1** - Gangaram S/o Late Sitaram Yadav, Aged About 19 Years

**2** - Faguram S/o Late Sitaram Yadav, Aged About 15 Years Minor  
Represented Through Applicant No.1 Gangaram S/o Late Sitaram  
Yadav, Aged About 19 Years,

Both R/o Devrikhurd Tahsil And Thana Takhatpur, District Bilaspur,  
Chhattisgarh.

**... Applicants/plaintiffs**

**versus**

**1** - Junior Engineer Takhatpur Chhattisgarh Power Distribution  
Company Limited, Takhatpur, District Bilaspur, Chhattisgarh.

**2** - Executive Engineer, Mungeli, Chhattisgarh Power Distribution  
Company Limited, Mungeli, District Mungeli.

**3** - Chhattisgarh Power Distribution Company Limited, Through  
Executive Engineer, Chhattisgarh State Electricity Board, Tifara,  
Bilaspur, District Bilaspur, Chhattisgarh.

**4** - State Of Chhattisgarh, Through Collector Bilaspur, District Bilaspur,  
Chhattisgarh.

**... Respondents/defendants**

|                                |   |                                                               |
|--------------------------------|---|---------------------------------------------------------------|
| For Applicants                 | : | Mr. Rajesh Jain, Advocate                                     |
| For Respondents:<br>No. 1 to 3 | : | Mr. Raja Sharma, Advocate with Ms. Aditi Parakh,<br>Advocate. |
| For Respondent:<br>No.4/State  | : | Mr. Ujjawal Choubey, Panel Lawyer.                            |

**Hon'ble Shri Justice Naresh Kumar Chandravanshi, J**

**Order on Board**

**03/07/2026**

Heard on IA No.02/2026, application for exemption from payment of Court fee along with appeal.

02. Learned counsel for the applicants would submit that Niranjana Yadav, who was elder brother of the applicants, died due to electrocution on 29.8.2006. The deceased was unmarried, therefore, his mother (Parvati Bai) filed a civil suit before the learned First Additional District Judge, Bilaspur seeking compensation of Rs.4.65 lakhs. However, during pendency of the said suit, Parvati Bai died, therefore, her sons i.e. applicants herein were impleaded as her Legal Heirs and they contested the suit. Learned trial Court allowed the suit in part and granted compensation of Rs.50,000/-.

03. Being dissatisfied with the quantum of compensation, the applicants have filed first appeal along with an application under Order XLIV Rule 1 read with Order XXXIII Rule 1 of CPC seeking permission

to file appeal as pauper.

04. Learned counsel for the applicants submits that since the deceased died due to electrocution, therefore, in light of Notification F.No.9-2-86-B-XXI dated 2<sup>nd</sup> August, 1986, the applicants are entitled to get exemption from payment of Court fee. In this regard, he also relied upon the ***judgment dated 27.1.2022*** rendered by learned Division Bench of this Court in ***FA No.63/2021*** in the matter ***Chhattisgarh State Power Distribution Company Limited Vs. Smt. Hemlata Netam and others.***

05. On the other hand, learned counsel appearing for the respondents oppose the submission made by the applicants.

06. Heard learned counsel for the parties and perused the material available on record.

07. Though the applicants/proposed appellants have filed an application under Order XLIV Rule 1 of CPC for filing the appeal as pauper/indigent person but the deceased died due to electrocution and the learned Division Bench of this Court in *FA No.63/2021* parties being *Chhattisgarh State Power Distribution Co. Ltd. Vs. Smt. Hemlata Netam and others*, while quoting Notification F.No.9-2-86-B-XXI dated 2<sup>nd</sup> August, 1986, and various judgments, has held that claim made in death case, which occurred owing to electrocution, would be exempted from Court fees pursuant to notification dated 2-8-1986. Thus, in light

of aforesaid law laid down by the learned Division Bench of this Court, the applicants/proposed appellants are entitled to get exemption from payment of Court fee.

08. In the result, this MCC is allowed, not under the provisions of Order XLI Rule 1 rather in light of the Notification and judgments referred to above. Consequently, the applicants/proposed appellants are held entitled to get exemption from payment of Court fee required for the memorandum of appeal.

09. The Registry is directed to register the Memo of Appeal filed by the applicants along with application under Order XLI Rule 3-A of CPC read with Section 5 of Limitation Act and list it before the appropriate Bench having roster.

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**Sd/**  
**(Naresh Kumar Chandravanshi)**  
**Judge**