



CGHC010253572022



2026:CGHC:34655

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MCC No. 444 of 2022

Smt. Fagni Bai W/o Late Deepak Vishwakarma Aged About 44 Years R/o Village-Barbhatha, Police Station Fingeshwar,, District : Gariyabandh, Chhattisgarh

**2** - Khomeshwar S/o Late Deepak Vishwakarma, Aged About 26 Years R/o Village-Barbhatha, Police Station Fingeshwar,, District : Gariyabandh, Chhattisgarh

**3** - Ku. Anita D/o Late Deepak Vishwakarma Aged About 22 Years R/o Village-Barbhatha, Police Station Fingeshwar,, District : Gariyabandh, Chhattisgarh

**4** - Ragishankar S/o Late Deepak Vishwakarma Aged About 19 Years R/o Village-Barbhatha, Police Station Fingeshwar,, District : Gariyabandh, Chhattisgarh

**... Applicants**

**versus**

**1** - Vikas Chaturvedi @ Balla Chaturvedi S/o Late Dinesh Chaturvedi Aged About 26 Years R/o - R/o Village- Basin, Police Station Fingeshwar,, District : Gariyabandh, Chhattisgarh

**2** - Junior Engineer, Chhattisgarh State Electricity Distribution Company Limited, Fingeshwar Police Station Fingeshwar,, District : Gariyabandh, Chhattisgarh

**3** - The Chief Engineer, Chhattisgarh State Electricity Distribution Company Limited, Office- Paragaon, Police Station- Gobra Nawapara,, District : Raipur, Chhattisgarh

**4** - The President/chairman, Chhattisgarh State Electricity Distribution Company Limited, Danganiya, Raipur, Through Its Chief Engineer, Chhattisgarh State

Electricity Distribution Company Limited, Office- Paragaon, Police Station- Gobra  
Nawapara,, District : Raipur, Chhattisgarh

**5 - State Of Chhattisgarh Through The Collector, Gariyaband,, District :**  
Gariyabandh, Chhattisgarh

**6 - Sheetal Vishwakarma S/o Late Deepak Vishwakarma Aged About 27 Years R/o**  
Barbhatha, Police Station Fingeshwar District Gariyaband At Present R/o Basin,  
Police Staton Fingeshwar, District Gariyaband, District : Gariyabandh, Chhattisgarh

**... Respondents**

|                            |   |                                 |
|----------------------------|---|---------------------------------|
| For applicants             | : | Mr. Sangeet Kumar Kushwah, Adv. |
| For Respondents No. 2 to 4 | : | Mr. Ashutosh Shukla, Adv.       |
| For respondents No. 5.     | : | Ms. Vartika Shrivastava, PL.    |

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

**Order On Board**

**6-8-2026**

1. This case is listed today for hearing on I.A. No. 1/2022, an application for condonation of delay in filing the appeal. However, the appeal has not yet been registered. Instead, the matter has been registered as an MCC filed by the applicants under Order XLIV Rule 1 of the Code of Civil Procedure. Since the application for condonation of delay in filing the appeal can be considered only after the MCC is decided, the MCC is taken up for hearing first.
2. At the request of learned counsel for both the parties, the MCC is heard.
3. Learned counsel for the applicants submits that Deepak Vishwakarma, the husband of applicant No. 1 and father of applicants No. 2 to 4, died due to electrocution on 24-07-2016. The applicants instituted Civil Suit No. 12B/2016 before the Upper District Judge, Gariyaband, which was

decreed in their favour. However, the compensation awarded to them is highly inadequate. Therefore, they have preferred the present first appeal along with this MCC seeking permission to prosecute the appeal as indigent persons under Order XLIV Rule 1 of the Code of Civil Procedure, as they are poor villagers living below the poverty line. Learned counsel for the applicants further 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.***

4. On the other hand, learned counsel appearing for the respondents oppose the submission made by the applicants.
5. Heard learned counsel for the parties and perused the material available on record.
6. 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.

7. In the result, this MCC is allowed, not under the provisions of Order XLIV Rule 1, CPC 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.
8. The Registry is directed to register the Memo of Appeal filed by the applicants along with the application under Section 5 of the Limitation Act seeking condonation of delay in filing the appeal, and thereafter list the appeal before the appropriate Bench having the roster on 17-08-2026, as the matter has remained pending for more than three years without any substantial progress.
9. Learned counsel for both the parties are directed to remain present before the concerned Bench on 17-08-2026. The names of learned counsel for both the parties shall also be reflected in the cause list.
10. MCC is accordingly disposed of.

Sd/-

**(Naresh Kumar Chandravanshi)**  
**Judge**

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| AVANISH<br>KUMAR<br>PATHAK                     |
| Digitally signed by<br>AVANISH KUMAR<br>PATHAK |
| Date: 2026.08.10<br>11:28:15 +0530             |