

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5297 of 1996

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Shri Ram Kumar Sah son of Sri Ram Chandra Sah, R/o village Sarai (Matiyaratok)
P.O. & P.S. Sarai district Vaishali.

.... Petitioner/s

Versus

State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar- I &
Mr. S.P.Singh, Adv.

For the Board : Mr. Vinay Kirti Singh, Adv.
Mr. Vijay Kumar Verma, Adv.

For the State : Mr. Skushant Praveen, AC to SC-27.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-02-2015

Shivaji Pandey,J

Heard counsel for the petitioner and the respondents.

In the present case, petitioner has claimed compensation for
Rs.5,00,000/- (five lacs) on account of death of his only son died of
electrocution.

On 15th January 1996, Sanjay Kumar, the only son of the
petitioner while he was going on by a bicycle through Jagdambaha road come in
contact with live electric wire which was lying on the road and the boy was
electrocuted causing death on the spot.

It is submitted that the death occurred due to gross negligence
on the part of the Electricity Board as the respondent Board has not taken proper
steps for preventing the accident.

Counsel for the petitioner has submitted that the victim boy
was aged 20 years and was a student of Bachelor of Science . He passed
Matriculation Examination in the 1st Division from the Bihar School Secondary
Examination Board, I.Sc. with higher 2nd Division marks and was prosecuting
his study in B.Sc. . Claim has been made that he was very energetic and
intelligent, was the only source and hope of the family. He had to appear in the
Banking Examination which was to be held on 4th February 1996 and in case of

selection, he would have been getting a pay of Rs.5,000/- per month as salary from the Bank.

The said incident was registered as U.D. Case No. 1 of 1996 dated 15th January 1996.

Counter affidavit has been filed by the respondents wherein it has been mentioned that the accident had taken place due to storm in the night of 14/15th January 1996 as the wire of L.T. Line was broken and fallen down on the ground which caused electrocution of the boy and it is further submitted that no information about the breakage of wire was given to the respondent Board.

The death of the boy is not in dispute as well as the cause of death and also that the boy was a student of Bachelor of Science and was going to appear in the Banking Examination very shortly. He was the only son of the petitioner and was the only hope to their future and the death occurred due to electrocution on account of negligence on the part of Electricity Board.

As the petitioner has suffered a lot due to death of his son and the petitioner has claimed Rs.5,00,000/- (five lacs) whereas the Board has fixed Rs.2,00,000/0 (two lacs) as the compensation amount in such case of such. This Court taking holistic view of the matter, is of the view, the amount of Rs.2,00,000/- will not be the appropriate amount to mitigate his woe as the deceased boy was the only future and hope of the family. The money value has been eroded, the amount of Rs.3,50,000/- will be appropriate amount to Sri Ram Kumar Sah (petitioner) be paid within a period of three months from the date of receipt/production of copy of this order.

With the observations/directions this petition is allowed.

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(Shivaji Pandey, J)