

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Civil Writ Petition No.6435 of 2015

Date of Decision: April 07, 2015

Asha Rani and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sushil Kumar Verma, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioners that the sole child of the petitioners namely Shivani died on 08.11.2014 while she was returning to the house from the Gurdwara in Rania, because the live electric wire after having been snapped from the electricity pole fell on her and she died on the spot of electrocution.

The child was taken to the Government Hospital, Rania for treatment, where she was declared as brought dead. The incident was reported to the Police Station Rania and DDR No.5 dated 09.11.2014 (Annexure P-1) was recorded. Proceedings under Section 174 Cr.P.C. were held. As per the postmortem report, the doctors gave the cause of death as sudden cardiac arrest due to electric shock. The duration of the probable time elapsed between injury and death was mentioned as within few minutes. Counsel contends that the petitioners lost their only child due to the negligence and poor maintenance of the electric wires, which is attributable to poor workmanship and supervision on the part of the officials of the

respondent-D.H.B.V.N. Limited. Petitioners submitted a representation on 06.01.2015. A legal notice dated 24.01.2015 (Annexure P-4) was also served upon respondents 4 and 5, but till date, no decision thereon has been taken or conveyed to the petitioners. Counsel contends that the claim of the petitioners is covered in their favour by the judgments passed by the Supreme Court in **M.P. Electricity Board Vs. Shail Kumari, 2002(2) SCC 162, Parvati Devi and others Vs. Commissioner of Police, Delhi and others, 2000(3) SCC 754 and Raman Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, 2015(1) R.C.R.(Civil) 353**. He further states that liberty may be granted to the petitioners to serve fresh notice upon the respondents within a period of four weeks from today, which may be directed to be considered and decided at an early date in view of the judgments passed by the Supreme Court referred to above.

In the light of the statement made by the counsel for the petitioners, the present petition is disposed of with liberty to the petitioners to serve a fresh notice upon the respondents within a period of four weeks. If such a notice is served upon the respondents, the same shall be duly considered and decided within a period of three months from the date of receipt of said legal notice along with copy of this order.

April 07, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE