

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.247 of 2014
Arising out of
Letters Patent Appeal No. 1055 of 2013
Along with
Interlocutory Application No. 6644 of 2014
And
Interlocutory Application No. 2983 of 2016**

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1. The State of Bihar through the Chairman, Bihar State Electricity Board now Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
 2. The Executive Engineers, Electricity Department, P.O + P.S. District- Bhagalpur.
 3. The Sub- Divisional officer, Electricity Department, P.O + P.S. District- Bhagalpur.

.... Respondents/Appellants/Petitioners
Versus

Mostt. Jeenat Khatoon, wife of Late Md. Sharif, Resident of village- Kurhan, P.S.- Habibpur, District- Bhagalpur.

.... Writ petitioner/Respondent/Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Kirti Singh, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 18-04-2016

Interlocutory Application No. 2983 of 2016

The application is for condonation of delay of 164 days in filing of the Civil Review Application.

2. For the reasons mentioned in the application, we are satisfied that sufficient cause is made out for condonation of delay of 164 days in filing of the present Civil Review Application. Consequently, the delay is condoned.

3. Interlocutory Application stands disposed of accordingly.

Civil Review No. 247 of 2014

The present Civil Review Application is for review of the order dated 13th May 2014, whereby the Division Bench has not interfered with grant of compensation of Rs. 3,50,000/- to the respondent on account of electrocution consequent to snapping of 11,000 K.V. Transmission Line.

2. The argument raised by the appellants is that in terms of the policy decision, the Electricity Board has decided to pay *ex gratia* compensation of Rs. 2 lacs, whereas the Court has granted compensation of Rs. 3,50,000/-.

3. We do not find that any decision of the Electricity Board to grant *ex gratia* compensation of Rs. 2 lacs can bar the Court to award a suitable amount of compensation on account of proved negligence on behalf of the Electricity Board. Admittedly, 11,000 K.V. live Transmission Line was lying on the ground when the deceased came in contact with the said live wire when he went to the field to answer the call of nature.

4. The mere fact that the wire was live even after snapping shows negligence of the Electricity Board. Therefore, we do not find any error apparent on record which may warrant interference

in the order passed by the Division Bench.

5. The Civil Review Application stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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