

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 321 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 7089 of 2010

The Secretary, Bihar State Electricity Board, Bidyut Bhawan, Bailey Road, Patna.

.... Appellant/s

Versus

1. Sabnam Kumari, W/o Late Sanjeet Kumar.

2. Soni Devi W/o Late Ranjeet Kumar.

Both are Residents of Village - Lakhanpura, P.S. - Bakhtiyarpur, Distt - Patna.

.....(Petitioners)- Respondent

3. The State of Bihar through the Collector, Patna.

.....(Respondent no. 1) Respondent

4. The Electrical Inspector, Electrical Inspectorate, South Bailey Road, Near Patna High Court, Patna.

.....(Respondent no. 3)

5. Electrical Executive Engineer, Electric Supply Division, Barh, Patna.

..... (Respondent no. 4)

6. General Manager-cum-Electrical Chief Engineer, Bihar State Electricity Board, Daroga Prasad Rai Path, Patna.

.....(Respondent no. 5)

Respondent nos. 4, 5 & 6 are perfunctory Respondents.

7. Office-in-Charge, Bakhtiyarpur Police Station, Barh Sub-Division, Distt - Patna.

(Respondent no. 6)... Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Kumar, Advocate

For the Respondent/s : Mr. Rakesh Kumar, Advocate

For the State : Mr. Rajesh Singh G.P.-16

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 20-07-2016

Heard learned counsel for the parties.

The present intra court appeal under Clause-X of the

Letters Patent of Patna High Court is directed against the order dated 24.01.2012 passed by the learned Single Bench by which C.W.J.C. No. 7089 of 2010, filed by the respondents no. 1 and 2 has been allowed with a direction to pay Rs. 2,80,000/- to each of them.

The respondents no. 1 and 2 (writ petitioners) are wives of late Sanjeet Kumar and Ranjeet Kumar, both being brothers, who were electrocuted having come into contact with a live electric wire lying on the ground which had snapped from the overhead electric line on 04.04.2009. The police also submitted report confirming death on account of electrocution due to coming in contact with high voltage live wire and the same was also corroborated in the post mortem. The writ petitioners, having approached the authorities and failing to get compensation, had approached this Court in C.W.J.C. No. 7089 of 2010, which was allowed by order dated 24.01.2012 directing the appellant to pay Rs. 2,80,000/- to both of them. The said order has been assailed in the present Letters Patent Appeal by the appellant.

Learned counsel for the appellant submits that the learned Single Bench could not have come to the conclusion that there was negligence on the part of the appellant without any proper adjudication on the said point. It is further submitted that the proper forum for such adjudication is the State Human Rights Commission



which can hold a summary trial to arrive at such conclusion and, thus, the Court ought not to have awarded compensation to the tune of Rs. 2,80,000/-. It is submitted that even the multiplier used by the learned Single Bench is erroneous, as it is not in accordance with the parameter set by the Hon'ble Supreme Court. Learned counsel further submitted that another learned Single Bench of this Court by order dated 4.12.2009 in **C.W.J.C. No. 14410 of 2009 (Kitabuddin Ansari vs. The Bihar State Electricity Board & Ors.)** and **C.W.J.C. No. 14459 of 2009 (Vindhyachal Choudhur vs. The Bihar State Electricity Board & Ors.)** had opined that the State Human Rights Commission has adequate machinery and provision to make all such enquiry and decide the issue including recommendation with regard to the grant of compensation in a case which also related to death due to electrocution and accordingly, the Court had directed both the writ petitioners to make proper application before the State Human Rights Commission.

Learned counsel for the respondents no. 1 and 2 submits that though the writ petitioners had moved the Court for grant of compensation of Rs. 10,00,000/-, the Court has granted Rs. 2,80,000/- in favour of each of the petitioners taking into account a very reasonable and minimal estimate of them earning a sum of Rs. 15,000/- a year and, thus, after deducing 1/3rd of their income



towards their personal expenses, in view of their age being 30 and 25 years and their ability to contribute to the family expenses at least till the age of 58 years, has awarded compensation of Rs. 2,80,000/- to each of the writ petitioners, which cannot be said to be arbitrary or in violation of any statutory provision. It is further submitted that the learned Single Bench has rightly interfered in the matter relying upon the decision of the Hon'ble Supreme Court in the case of **Tamil Nadu Electricity Board vs. Sumathi and Others.** reported as (2000) 4 SCC 543. He further submitted that the Court has also taken note of the decision of a Division Bench of this Court in the case of **Bihar State Electricity Board vs. Ramswarup Yadav** reported as 2006(2) BLJ 263, where it was held that if negligence is apparent on the face of it, one cannot be relegated to suit.

Having considered the rival contentions, we do not find any merit in the present appeal. The fact being that the husbands of the writ petitioners died due to electrocution after coming in contact with snapped live wire of the appellant, negligence in not proper maintenance of the lines is writ large. Thus, the award of Rs. 2,80,000/- in favour of each of the petitioners, whose husbands died leaving behind young widows and dependant minor children, the amount of Rs. 2,80,000/- in their favour is neither arbitrary nor excessive. The basic for arriving at such figure also is

quite reasonable and logical.

Accordingly, we do not find any ground to interfere in the order of the learned Single Bench. Thus, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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