

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

**CWP No.24238 of 2014
Date of Decision:19.09.2016**

Anita Devi and others Petitioners

Vs.

State of Haryana and others Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. S.N. Yadav, Advocate for the petitioner.

Mr. D.S. Nalwa, Advocate for respondents No.1 to 4.

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed by the legal heirs of deceased Hoshiar Singh, who was electrocuted on 13.4.2012. While he was going to his field on a motor-cycle bearing registration No.HR34-B-7865, when 11000 KV electricity line fell on him. A DDR No.14 dated 13.4.2012 was registered with the Police Station Kanina. In the post mortem report, the cause of death was recorded “due to electric shock”. Initially, the petitioners, inadvertently filed a petition under Section 163 of the Motor Vehicles Act, 1988, which was dismissed by the Tribunal on 17.9.2014 on the ground that the cause of death was because of electrocution and not the vehicular accident.

The petitioners have prayed in this case for the award of compensation for loss of life of their bread earner because of electrocution on account of negligence of the respondents. In the reply, the respondents

have admitted that on 13.4.2012, due to heavy wind storm, 11,000 KV Kanina DS Feeder was blown off from the disc insulator but the jumper did not open up due to which, the DS Feeder came to a lower height which contacted the deceased, leading to his death and termed it to be an “Act of God” as it was an unforeseen event because of storm. The respondents have thus admitted that the deceased died because of electrocution of the 11,000 KV Feeder but are denying their liability on account of “Act of God”.

I have heard learned counsel for the parties and perused the record. The respondents have tried to avoid their liability only on the ground that the electric wire had snapped because of storm but the fact that the deceased died because of electrocution is writ large. Nothing has been brought on record to show as to what was the intensity of the storm and in what circumstances the Feeder wire would get disconnected to make out a case for taking the shelter of the “Act of God” and in the absence of any such necessary ingredients pleaded in the reply, the stand taken by the respondents cannot be accepted for the purpose of denying compensation to the family of the deceased.

Thus, the petitioners are held entitled to compensation.

The age of the deceased is mentioned as 28 years in his post mortem report. It is not mentioned by the petitioners as to what was his occupation. Thus, keeping in view the fact that the deceased has left behind the widow and two minor children and the fact that being an able bodied person, he was in a capacity to earn at least ₹5,000/- per month and would have spent at least one third on himself, he would have contribute at least ₹3500/- for the dependants (petitioners). Thus keeping in view his age

being 28 years, the multiplier of 16 is applied and the compensation amount comes to ₹6,72,000/- which is liable to be paid by the respondents with simple interest at the rate of 9% to be calculated from the date of death i.e. 13.4.2012 till the date of payment/ realization of the said amount.

September 19, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No