

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

LPA No.1426 of 2016 (O&M)

Date of Decision : 10.08.2016

Uttar Haryana Bijli Vitran Nigam and others

....Appellants

Versus

Sharmita and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. Kartar Singh Malik, Advocate
for the appellants.

.....

MAHESH GROVER, J.

This appeal is by the Uttar Haryana Bijli Vitran Nigam questioning the judgment of the learned Single Judge entitling the respondents No.1 to 3 to a compensation of Rs.7,68,000/- on account of the death of one Amit due to electrocution because of the overhead wires in close proximity of the premises in his occupation.

Learned counsel for the appellants contends that there was a clear negligence on the part of the owner who had unauthorisedly constructed an additional room/toilet to bring the structure in close proximity to the live high-tension wires. Further contends that it is only on account of the sheer negligence of the owner of the building that the accident occurred for which they cannot be faulted.

We put a question to the learned counsel for the appellants as to whether the supply to the premises was metered, to which the answer was in the affirmative.

If that be so, then in addition to the reasoning adopted by the learned Single Judge, we would also hold the appellants guilty of utter negligence in not rectifying the flaw of the wires in proximity to the building which ought to have been noticed by the visiting officials entrusted to record meter readings and the matter was never reported to the authorities so as to enable them to take action against the erring land owner to compel him to either remove the offensive structure or to make amends as far as supply lines were concerned. A metered supply would imply regular visit by the officials of the appellants to record the readings. It cannot thus be expected that they were oblivious to the lurking dangers of overhead high-tension wires in close proximity to the building.

We thus find absolutely no infirmity with the finding of the learned Single Judge and while concurring with it would order dismissal of the appeal as being without merit particularly when there is a delay of 78 days in filing which we do not intend to condone in the present circumstances when no good reasons have been offered to warrant condonation.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

10.08.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No