

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

120

Regular Second Appeal No.522 of 2016 (O&M)  
Date of Decision: April 04, 2016

Punjab State Electricity Board (Now Punjab State Power Corporation Ltd),  
Patiala and others

...Appellants

Versus

Parminder Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Roshan Lal Sharma, Advocate  
for the applicants-appellants.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Challenge in this appeal is to the judgment and decree dated 12.04.2014 passed by the Civil Judge (Senior Division) at Shaheed Bhagat Singh Nagar, whereby the suit filed by the respondent-plaintiff for recovery of ₹10,00,000/- from the appellants-defendants being the amount of compensation for the personal damage/injuries suffered by the respondent-plaintiff in an accident of electrocution on 22.03.2004 in village Urapar, Tehsil and District Nawanshahr, which resulted in the amputation of his both arms due to negligent act of the employees of the appellant-Board, has been decreed, appeal against which preferred by the appellants-defendants has been dismissed by the Additional District Judge, Shaheed Bhagat Singh Nagar, on 02.07.2015.

2. It is the contention of learned counsel for the appellants that the compensation, as has been granted to the respondent-plaintiff is excessive. He asserts that as per the report Exhibit D-1 of the Chief Electrical Inspector, it is apparent that the accident has occurred because of the respondent-plaintiff losing balance while erecting an antenna on his roof top

because of which it came in contact with the 11 kilovolt electric wire which resulted in the accident, whereby he lost his both arms and they had to be amputated. He contends that although the report also states that the protection system of the 11 kilovolt line which was the tripping system did not function but the contributory negligence on the part of the respondent-plaintiff is apparent and some deduction was required to be made in the claim put forth by the respondent-plaintiff. He, thus, contends that the impugned judgments and decree cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the appellants and with his assistance, have gone through the impugned judgments but I do not find myself in agreement with him, especially keeping in view the findings recorded by the Chief Electrical Inspector of the Punjab Government, who had conducted the inquiry under Section 161 of The Electricity Act, 2003 Exhibit D-1. What has categorically been stated therein is that the accident did occur and it has also been mentioned that had the protection system of 11 kilovolt of the appellants-defendants operated correctly, the accident could have been avoided of the respondent-plaintiff. This clearly establishes that even if such an accident had occurred may be because of losing of balance of the respondent-plaintiff, (although the eyewitnesses, who had appeared for the respondent-plaintiff have stated otherwise), the accident would not have resulted in the injuries to the respondent-plaintiff to that extent. Obviously, the appellants cannot, therefore, shirk its responsibility and shift the blame upon the respondent-plaintiff because of its insufficiency and improper supervision by the officials of the department, who were required to maintain all the systems in

correct working order, especially when dealing such high voltage.

4. The findings as recorded by the Courts below are based upon proper appreciation of the pleadings and the evidence brought on record which cannot be faulted with.

5. No other point has been argued by the counsel for the appellant.

6. Both the Courts below have returned concurrent findings after properly appreciating the pleadings and the evidence brought on record by both the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

7. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the appeal, the same stands dismissed.

8. In the light of the dismissal of the appeal, the application for stay i.e. CM No.1496-C of 2016, stands disposed of as infructuous.

**April 04, 2016**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**