

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

**RSA-2084-2014 (O&M)
Decided on : 01.12.2016**

Sunita and others.

.... appellants

VERSUS

DHBVN and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHARI

Present: Mr. Kunal Mulwani, Advocate, for the appellants.

Mr. Pankaj Jain, Advocate for respondent Nos. 3 and 4.

P.B. BAJANTHARI, J. (Oral)

In the instant appeal the appellants legal heirs of deceased Satbir assailed the Court order dated 19.03.2013 passed by Additional District Judge, Bhiwani in Civil Appeal No. 162 of 2011.

Deceased Satbir met with an accident on 26.10.2008, at about 9 am, due to electric shock. Due to electrocution he had injuries for which he was taking treatment in General Hospital, Bhiwani, P.G.I.M.S., Rohtak, N.C. Jindal Institute of Medical Care and Research and Dr. C.S. Sharma, M.S. Ortho, Soni Hospital, Jaipur for which he had incurred a sum of ₹ 3 lacs for his treatment. Later on, he died during the pendency of the suit. The suit was decreed. It was held that the deceased-plaintiff is entitled to receive an amount of Rs. 5 lacs as a compensation for the dependents Nos. 1, 2 and 3. Respondents filed a civil appeal before the Appellate Court, questioning the validity of the decree passed by the trial Court. On 17.03.2011 in civil appeal

No. 162 of 2011 the Appellate Court reversed the order of the decree passed by the trial Court on 17.03.2011. Hence, the present appeal.

The appellant's counsel submitted that deceased Satbir was working with the respondent-Nigam. The same has not been appreciated by the Appellate Court while reversing the order of the trial Court. The Appellate Court reversed the decree only on the score that the appellant was not an employee of the respondent-Nigam. Irrespective of the fact that whether he is an employee or not deceased was entitled to financial compensation. Therefore, reversal of the decree by the Appellate Court only on this score that the appellant was not an employee, is highly arbitrary and illegal.

Learned counsel for the respondents who is supporting the order of the Appellate court dated 19.03.2013 contended that appellant was not an employee. Therefore, question of granting compensation is impermissible and policy relating to grant of Compensate financial assistance is only to the employees of the respondent who were electrocuted during the course their job and not to the general persons who are no where connected with the respondent-Nigam. Therefore, there is no infirmity by the Appellate Court.

Heard learned counsel for the parties.

Question for consideration in the present appeal is whether the appellant is entitled for compensation having got electrocuted with reference to the respondent-Nigam Ltd. who are maintaining the electricity. If there is negligence on the part of Nigam the appellant is entitled for compensation. Therefore, the Appellate Court erred in holding that since the appellant is not employee of the respondent, is not entitled for compensation is arbitrary and illegal. Admittedly, the appellant got electrocuted through electrical wire and got injuries for which he has taken treatment and during pendency of the

litigation he passed away. Therefore, rightly the trial Court has held that he is entitled for compensation of ₹ 5 lacs. The appellate Court decision that appellant is not employee of the respondent, he is not entitled for compensation as ordered by the trial Court is arbitrary and illegal. Accordingly Appellate Court order dated 19.03.2013 is set aside while restoring the order of decree passed by the trial Court.

Appeal stands allowed.

01st December, 2016
jjyoti III

(P.B. BAJANTHARI)
JUDGE

Whether Speaking/Reasoned	:	Yes/No.
Whether Reportable	:	Yes/No.