

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2014 of 2015

IN

Civil Writ Jurisdiction Case No. 5297 of 1996

- =====
1. The Chairman Bihar State Electricity Bord Now North Bihar Power Distribution Company Ltd through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
 2. The General Manager-Cum-Chief Engineer, Bihar State Electricity Board, Regional Office Muzaffarpur, District - Muzaffarpur.
 3. The Superintending Engineer, Bihar State Electricity Board, Muzaffarpur, At & P.O. - Muzaffarpur, District - Muzaffarpur.
 4. The Executive Engineer, Bihar State Electricity Board, Hajipur, At & P.O. - Hajipur, District - Vaishali.
 5. The Assistant Electrical Engineer, the Bihar State Electricity Board, Electric Supply, Sub-Division, Lalganj, At & P.O. - Lalganj, District - Vaishali.

.... Appellants

Versus

1. Sri Ram Kumar Sah Son of Sri Ram Chandra Sah resident of village - Sarai (Matiyaratok) , P.O. & P.S. Sarai, District - Vaishali.
2. The State of Bihar.

.... Respondents

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Appearance :

For the Appellants	:	Mr. Vinay Kirti Singh, Senior Advocate Mr. Vijay Kumar Verma, Advocate Mr. Akhileshwar Singh, Advocate
For the Respondents	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-01-2017

Delay of 58 days in filing the appeal is condoned.

2. I.A. No.8927 of 2015 is allowed for the reasons indicated in the petition.

3. Heard.

4. The Electricity Board has filed the present appeal against the order dated 09.02.2015, passed by the learned Single



Judge in CWJC No.5297 of 1996. By virtue of the order, while allowing the writ application of the petitioner, who is private respondent no.1, the Court has awarded a compensation of Rs.3,50,000/- payable by the Electricity Board for negligence on their part because it was due to coming in touch with a live transmission wire, the son of the petitioner of the writ application had died.

5. The finding is that the death was caused because of electrocution. A live wire had fallen on the road. A defence was taken that the wire had fallen because of a storm at night of 14/15th of January, 1996, therefore, it was a case of act of God.

6. If the storm had hit the transmission line at night of 14/15th of January, 1996 then the wire remaining on the road till about 9-9.30 in the morning is a clear case of negligence on the part of the Electricity Board because any storm in the previous night should have cautioned the Electricity Board people to become alert at the opportune moment to ensure that there was no severance of the power line, which could be dangerous to life of any innocent citizen. The Court based on the finding and the defence came to a considered opinion that it was a fit case where appropriate compensation was required to be given to the family and keeping in mind the depreciated value of the rupee, a sum of Rs.3,50,000/- was ordered to be paid for an incident, which had happened on 15th of January, 1996. The money



has further devalued and, therefore, the stand of the senior counsel that the Board has fixed a sum of Rs.2,00,000/- that too in the year 2012 cannot bind the learned Single Judge to stick to the figure fixed by the Electricity Board to be the referable amount.

7. The effort of the learned senior counsel for the Electricity Board that there was no post-mortem done, therefore, the factum of electrocution remains doubtful, is fit to be rejected because there is adequate evidence on record to show that electrocution was the proximate cause for the death of the son of the private respondent.

8. No interference is warranted with the order impugned.

Appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2017
Transmission Date	NA

