

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.30 of 2013

- =====
1. The Chairman, Bihar State Electricity Board, Patna
 2. The Secretary, Bihar State Electricity Board, Patna
 3. The Bihar State Electricity Board through its Secretary

.... Appellants

Versus

1. Lallan Prasad Singh Son Late Tarkeshwar Singh, resident of village - Paharpur, Bishanpur, Post Office - Mahnar Road (R.S.) Police Station - Mahnar, District - Vaishali
2. The State of Bihar
3. The Secretary, Department of Energy, Government of Bihar, Patna
4. The District Magistrate, Vaishali

.... Respondents

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Appearance :

For the Appellants : Mr. Vinay Kirti Singh, Senior Advocate
For the Respondents : Mr. Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-11-2017

Due to electrocution of petitioner's father and death which occurred pursuant thereto, the compensation of Rs.3,00,000/- has been awarded to the petitioners and while doing so reliance has been placed on the judgment of the Hon'ble Supreme Court in the case of S.D.O., Grid Corporation of Orissa Ltd. & Ors. Vs. Timudu Oram, (2005) 6 SCC 156 and various other cases.

Looking to the detailed judgment passed by the learned Court and the finding recorded therein indicting that the requirement of the statutory provision contemplated under Section 161 CPC seems



to be valid and negligence on the part of the Board found established by the learned Writ Court and we are not inclined to take a different view than the one taken by the learned Writ Court and interfere with the compensation of Rs.3,00,000/- granted by the learned Court merely because in a circular issued by the Board, the quantum of compensation fixed for relevant period of Rs.2,00,000/-.

We find no ground to interfere with the order impugned. This appeal is dismissed.

We clarify that the condonation of delay granted while granting liberty to the petitioner to claim compensation by approaching the competent court in the eye of law is set aside and we leave it to the authority when a compensation is claimed to consider the question of limitation in accordance with law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

N.H./-

AFR/NAFR	NAFR
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