

AT CHANDIGARH

C.W.P. No.22885 of 2014

Date of Decision:18.08.2017

....Petitioners

Vs.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Sanjeev Majra, Advocate for the petitioners.

Mr. Gaurav Jindal, Advocate for respondents No.1 and 2.

Mr. Saurav Mohunta, DAG, Haryana.

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Rakesh Kumar Jain, J. (Oral)

This petition is filed by the mother, widow and two minor children of deceased- Amarjit Singh, who died due to electrocution. The cause of the death is established in the post mortem report. The case set up by the petitioners is that the deceased came into contact with a line wire and died. The petitioners have prayed for compensation.

This Court passed a detailed interim order on 19.01.2017 and directed the Nigam to pay ₹5 lakhs as compensation, out of which ₹1 lakh was disbursed to the mother and ₹4 lakhs was given to the wife of the deceased so that she can maintained her two minor children. The said amount is stated to have been paid by the Nigam to the petitioners.

Learned counsel for the petitioners has submitted that the deceased was working as Electrician and was earning ₹50,000/- per month. On the other hand, counsel for the Nigam has argued that the petitioners do not deserve any compensation because in the DDR the deceased himself has alleged that there was no negligence on the part of the Nigam, therefore,

Nigam is not liable to pay compensation. It is also submitted that there is no

evidence of the income of the deceased on record. It is also submitted that from the photographs also, the petitioners could not prove that with which wire of transformer, the deceased came into contact and suffered the injury and died.

I have heard learned counsel for the parties and perused the record. The best case of the respondent- Nigam is the DDR recorded by the Police after recording the statement of deceased- Amarjit Singh. In his statement, the deceased has specifically stated that “I had gone with Tarsem s/o Satpal for repairing the Electric Meter. There was flowing electric current in the stay-wire of Transformer installed in the field, due to rain. As soon as I passed through the stay-wire, suddenly my both legs and thigh and both shoulders, left & right touched with the stay-wire and I electrocuted.” The very fact that the wire was there lying on the field with which the deceased got entangled is sufficient to hold the liability of the Nigam because the Nigam is supposed to maintain its transmission lines so that the people may not suffer injury/ death unaware of the fact that the current is passing through the wire lying on the ground.

Therefore, I hold the Nigam responsible and liable to pay compensation.

Now the question is as to how much compensation should be paid? There is no evidence on record about the actual income of the deceased and there is also no evidence that the deceased was working as an Electrician. However, the Court can take judicial notice of the fact that an able bodied person in these days can earn ₹5,000/- per month. If it is considered that the deceased was earning ₹5,000/- per month, then it has to

be also considered as to how much money he would be spend only on himself besides contributing to his family. The deceased has left behind the mother, widow and two minor children, therefore, I am of the considered opinion that he must be spending on himself 1/4th of his income. Thus, out of ₹5,000/-, the balance amount comes to ₹3,750/-. The deceased was 32 years of age and no contrary evidence is led by the respondents, therefore, multiplier of 17 is applied. The total amount then comes to ₹7,65,000/-. The petitioners have already been paid interim amount of ₹5 lakhs. Therefore, they are held entitle to the balance amount of ₹2,65,000/- which shall be paid by the Nigam from the date of death occurred on 05.07.2014.

With these observations, the present petition is allowed. The Nigam is directed to pay the remaining amount with 9% interest within a period of two months from the date of receipt of copy of this order.

August 18, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No