

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 09.10.2017****RSA No.5281 of 2016 (O&M)**

Punjab State Electricity Board, Patiala

...Appellant

Vs.

Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Mukul Aggarwal, Advocate,
for the appellant.**RAJIV NARAIN RAINA, J. (ORAL)**

1. The only ground raised by the Board in its appeal is that the husband of the plaintiff/respondent, namely, Sarwan Gir filed Civil Suit No.656-A on 19.12.2008 claiming compensation and damages on account of sustaining burn injuries by electrocution and shock caused by contact with live wire due to negligence of the defendants and a rear later his wife (the present respondent) brought the present suit bearing Civil Suit No.274-T/13 on 17.07.2009 titled 'Rani wife of Sarwan Gir Vs. The Secretary, PSEB, The Mall, Patiala & another', in which she, like her husband, also claimed independently a sum ₹2 lakhs as damages/compensation along with interest on account of sustaining burn injuries in the same incident. Against the claim ₹1 lakh was decreed.

2. It is not a disputed fact by the appellant that Sarwan Gir and his wife Rani suffered injuries in the same incident by electrocution which is

supported by medical evidence. The moot point in the suit was regarding negligence of the power supplier in not rendering harmless electric wires at hanging at dangerously low levels where innocent humans could come in easy contact with unknown that it carried dangerous electrical energy. Sarwan Gir's suit was decreed on 16.09.2013 by the Additional Civil Judge (Senior Division), Patiala with decree drawn on the following day. The trial Court has awarded ₹1 lakh as compensation in favour of Sarwan Gir and against the defendants and held him entitled to future *pendente lite* interest at the rate of 6% per annum. The appeal under Section 96 CPC has been dismissed.

3. Yes, no doubt some stray observations have come in Para.22 of the judgment in Swaran Gir's case as pointed out by Mr. Aggarwal that the Court that while deciding the suit of Swaran Gir in passing considered and remarked that the cases of husband and wife together constitute a favourable case for award of compensatory damages in relation to injuries suffered by them on 14.07.2008 in the area of Village Daulatpur Fauiran, Tehsil & District Patiala. There is further observation when the Court records that it has taken into stock cumulative circumstances and the treatment record of Swaran Gir as per bed head ticket Ex.P1, but in none of these observations can it be said that the case of Rani was decided. She had an independent right to file a suit for damages, which she instituted from where the present appeal arises for determination. The observations sought to be used by the Board at the hearing on the appeal to deny compensation to Rani are of no legal consequence on her case. Hence, it is contended that compensation of ₹1 lakh has been given to both and no further amount can be decreed. I have

considered this submission and find that it is wholly misplaced and torn out of context and deserves to be rejected.

4. The suit of Rani was decreed on 08.05.2014 and the appeal of the Board has been dismissed on 30.01.2016 affirming the findings of the trial Court. Rani has been awarded ₹ 1 lakh along with interest at the rate of 6% per annum from the date of institution of the suit till realization.

5. Rani lost three toes of her right foot to burn injuries suffered due to electrocution. Negligence of the Board in keeping its wires harmless stands established on evidence and statutory liability of supplier of energy. I have no reason to interfere in this matter especially when the award of damages/compensation is nominal and sufficiently supported by findings of fact. Besides, the findings of fact have been recorded by the Courts below after appreciating the evidence on record, and thus, in second appeal, opinion will not be substituted for a more suitable one unless the judgment in review in second appeal is entirely perverse or is result of misreading of evidence and failing to notice legal evidence which might favour the appellant.

6. Consequently, the instant appeal has no merit and is hereby dismissed in *limine* with no question of law arising for consideration.

09.10.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No