

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14157 of 2015

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Bablee Kumari, Wife of Munna Kumar, resident of village- Bakarpur, P.S.-
Sonepur, P.O.- Sonepur, District- Saran (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Energy Deptt, Bihar, Patna,
2. The M.D., North Bihar Power Distribution Company Ltd., Bailey Road, Vidyut Bhawa, Patna.
3. Electric Inspector NBPHC Ltd. (B.S.E.B), Vidyut Bhawan, Bailey Road, Patna.
4. Superintending Engineer, Electricity Board (NBPDC LTD.), Saran.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Alok Kr Shahi, Adv
Mr. Sanjeev Kumar, Adv
For the Respondent/s : Mr. Prakash Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-11-2018

The present writ petition has been filed for a direction to the respondents to pay compensation for the death of the petitioner's husband, Munna Kumar; and for connected reliefs.

2. Learned counsel for the petitioner submits that her husband went to work in the field on 26.08.2014 and all of a sudden he came in contact with electric wire which was very low in height. He was taken to hospital by the villagers, but he died during treatment. It is stated that death occurred owing to negligence on the part of the respondents, who are thus liable to make payment of compensation for the same.



3. Learned counsel for the respondent-power company on the other hand, relies on the supplementary counter affidavit wherein it has been stated that upon enquiry by the Junior Electrical Engineer, Electric Supply Subdivision, Sonapur it was found that there was no snapping of electric conductor/wire in the concerned village. It was verified from the breakdown register maintained at Electric Power Sub-Station, Sonapur in which there was no such report/complaint on the concerned date. It further came to light that the deceased through his own mistake came in contact with live wire which caused his death. It has further been stated that the height of the electric conductor/wire was at normal height above the land.

4, Having heard the parties and on consideration of the materials on record, this Court is of the view that the claim of the petitioner involves investigation into facts of disputed nature, which this Court is not inclined to enter into in its extra ordinary writ jurisdiction. Whether or not the electric wire was at normal height above the land or not would require investigation and to be proved on the basis of evidence in appropriate proceedings. So also whether there was any negligence on the part of the respondents will have to be proved on evidence. The stand of the respondents has not been controverted and no rejoinder has been filed on behalf of the petitioner.



5. In the above circumstances, the writ petitions stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
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