

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 611 of 2018

1. Chhattisgarh State Power Distribution Company Limited,
Through The Superintending Engineer Bilaspur, Chhattisgarh.
2. Executive Engineer, Chhattisgarh State Power Distribution
Company Limited, Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. Smt. Uma Bai W/o Late Shiv Kumar Patel Aged About 40 Years
R/o Bade Koni Tehsil Bilaspur, District Bilaspur, Chhattisgarh.
2. Sukhsagar S/o Late Shiv Kumar Patel, Aged About 25 Years R/o
Bade, Koni, Tehsil Bilaspur, District Bilaspur, Chhattisgarh.
3. Ganesh Ram W/o Late Devi Prasad Aged About 32 Years R/o
Bade, Koni, Chanda Chowk, Patel Mohalla, Tehsil Bilaspur, District
Bilaspur, Chhattisgarh
4. Shyam Kumar W/o Late Devi Prasad Aged About 29 Years R/o
Bade, Koni, Chanda Chowk, Patel Mohalla, Tehsil Bilaspur, District
Bilaspur, Chhattisgarh.
5. National Thermal Power, Corporation (NTPC), Through
Superintending Engineer, Korba, District Korba, Chhattisgarh.
6. Power Gird Corporation Of India, (Government Of India
Undertaking) Samprati Nagar, Post Office Uppal Wadi, Nagpur,
Branch Office Vidya Upnagar, Bilaspur, Chhattisgarh.

---- Respondents

For petitioners - Shri Jitendra Pali, Advocate.
For respondent No.5- Shri Aditya Bharadwaj, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/07/2018

Heard.

1. Learned counsel for the petitioners submits that compensation
award of Rs.52,000/- was enhanced in the first appeal by this court on
2/03/2015, however it is not clear in such order that how much interest
would be payable whether it is from the date of judgement and decree or
from the date of the institution of suit.
2. Perused the decree. Back ground of this case is that due to

electrocution deceased Shiv Kumar died for which a civil suit was filed by respondents No.1 to 4 wherein First Additional District Judge, Bilaspur in Civil Suit No. 1-B/99 has passed a decree for Rs.52,000/- which was subject of appeal and the appellate court by its decree dated 2/03/2015 has enhanced the compensation to Rs.4,84,000/- with interest @ 6% per annum. Thereafter, it was questioned as to what rate of interest would be applicable and from which date. Perusal of the record would show that suit was filed on 7/08/1992 and till execution was filed on 6/04/2015 the interest of Rs.6,67,920/- was claimed. The original decree speaks that interest of 5% was awarded from the date of application and decree of Rs.52,000/- was passed. Subsequently, the appellate court enhanced to further Rs.4,84,000/- and interest @ 6% per annum was passed. Taking into nature of the incident, as the deceased died due to electrocution for which principles of strict liability can be adhered too and applying benevolent the interpretation of order can be very well interpreted that the rate of interest therefore would be applicable from the date of the filing of the suit i.e. from 7/08/1992 as the incident of death happened in 1992. The act of the court cannot harm anyone, consequently, taking into totality it is clarified that interest would be applicable from 7/08/1992 @ 6% per annum till recovery. Petitioner shall be obliged to pay the same within a further period of 45 days.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE