

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 718 of 2018

- Smt. Ganeshwari Madhukar Wd/o Late Shri Sanad Kumar Aged About 35 Years R/o Bazar Para Dhamani, Nariyara, Tahsil Jaijaipur, Distict- Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Electricity Distribution Company Limited. Through The Managing Director, Chhattisgarh State Electricity Distribution Company Limited, Baganiya, Raipur, District- Raipur, Chhattisgarh.
2. The Executive Direcotr (O and M), Chhattisgarh State Electricity Distribution Company Limited, Tifra, Bilaspur, District- Bilaspur, Chhattisgarh.
3. The Executive Engineer (O and M) Chhattisgarh State Electricity Distribution Company Limited, Sakti, District- Janjgir-Champa, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Yogesh Chandra, Advocate
For Respondents	:	Shri U.N.S. Deo, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

26.09.2018

1. Appeal has been filed against the order dated 18.07.2018 passed by the learned Single Judge, wherein compensation of Rs. 2 lakhs was granted to the Appellant – the wife of the person who died of electrocution.
2. Since that quantification as above is only a token payment as part of the policy of the Power Holding Company, in so far as enhanced compensation is concerned, since it is tortuous action, therefore, the learned Single Judge has given liberty to the Petitioner-cum-Appellant to move a Civil Court of competent jurisdiction.
3. We do not find any infirmity in taking such a view because for actual compensation of enhanced kind many inputs and evidence would be required besides establishing the basic fact that it was death which happened out of

negligence of the concerned authority and keeping in view the other factors and components only Civil Court can finally decide the quantum by taking the earning, the age etc. of the deceased.

4. Learned Counsel for the Appellant produced an order dated 10.01.2014 passed by the learned Single Judge in Writ Petition No.2637 of 2005 where the Court granted an enhanced compensation of Rs.3,50,000/- applying the principle of strict liability.
5. We do not want to get bound down by such a view taken by the learned Single Judge because that may preclude the claimant from getting a better compensation on the basis of a declaration by a Civil Court by taking all components, some of which have been talked about in earlier part of the order. We do not want to restrict the compensation which may accrue to the Appellant in a summary proceeding.
6. The appeal stands disposed off.
7. The Appellant is free to move the Court of competent jurisdiction.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge