

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.6475 of 2014
Date of Decision:09.01.2018

Harpreet Kaur

. . . . Petitioner

Vs.

Punjab State Power Corporation Limited and others

. . . .Respondents

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

Present: Mr.V.K. Sandhir, Advocate,
for the petitioner.

Mr.P.C. Goyal, Advocate,
for the respondents

RAKESH KUMAR JAIN, J.

The petitioner is a married woman having a small child. She is M.A. B.Ed. She had suffered burn injuries on 6.10.2013 while saving her 3 year old child who was likely to come in contact with a high voltage naked wire hanging over the roof of the house of the petitioner. She got treatment in Ohri Multispeciality Hospital, Amritsar and ultimately three fingers of her right hand got amputated. The petitioner was serving at that time as a teacher in Aatam Public School, Amritsar and was drawing a salary of ₹6,000/- per month. However, she has filed an affidavit on 19.12.2017 in this Court that she is presently unemployed. The petitioner, before approaching this Court, requested the respondents to pay her compensation for loss of fingers of her right hand due to electrocution on account of their negligence.

In reply filed on behalf of the Punjab State Power Corporation Limited, Amritsar, it is averred that the street, in which the house of the petitioner is located, was dug up by the sewerage department in

August/September 2013 and due to rainy season the electric poles installed in the locality were tilted and because of the said reason and extension of house by the house owners towards the street, the alleged accident had occurred.

Learned counsel for the petitioner has submitted that there is no dispute that the petitioner had suffered burn injuries due to electrocution and has lost three fingers of her right hand. It is also not disputed that the petitioner was earlier working as a teacher in a private school and is unemployed at present. It is further submitted that as per the disability certificate issued by the Medical Officer, J.B.M.M., Civil Hospital, Amritsar, she has suffered 50% disability. The petitioner has claimed ₹20 lacs as compensation on the ground that her life has become miserable due to the amputation of three fingers of her right hand and as a matter of fact the right hand has been totally immobilised.

On the other hand, learned counsel for the respondents has submitted that the petitioner is not entitled to any compensation because the electricity department is not at fault. The poles got tilted as the street in which they were installed was dug up by the sewerage department and there is a contribution of the house owners also who have raised construction without permission.

I have heard learned counsel for the parties and perused the available record.

From the stand taken by the respondents, it is apparent that the petitioner was not at fault as the respondents were to ensure that the electricity poles or the high voltage electricity wire should remain out of the reach of the human beings. The petitioner has also not deliberately touched

who was playing on the roof and was likely to come in contact with the high tension wire. The accident has resulted into amputation of three fingers of the right hand of the petitioner, who is at present unemployed also and being the house wife had to do daily chores only with her left hand.

Thus taking into consideration the aforesaid facts and circumstances, I am of the considered opinion that the petitioner deserves to be compensated for the loss of three fingers of her right hand with the payment of ₹5 lacs by the respondents along with simple interest @ 9% which shall be calculated from the date of accident i.e. 6.10.2013 till the date of actual payment. It is further directed that the payment shall be made to the petitioner by the respondents within a period of two months from the date of receipt of certified copy of this order.

09.01.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No