

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.5021 of 2016
Date of Decision: 18.07.2018

Sukhbir Singh and others

. Petitioners

Vs.

Uttar Haryana Bijli Vitran Nigam and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Ashwani Gaur, Advocate,
for the petitioners.

Mr.Anil Chawla, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J.

Petitioners No.1 & 2 are the parents and petitioner No.3 is the sister of deceased Satish Kumar, a constable in Haryana Police, died on 26.6.2015, on account of electrocution while coming in contact with a live electricity wire lying in the fields, which broke down on 24.6.2015 due to storm and heavy rain. The death was reported at Police Station Samalkha, Panipat on 26.6.2015 itself and autopsy was conducted. The cause of death was opined by the Medical Officer, Government Hospital, Panipat, vide his report dated 26.6.2015, due to electric shock. The respondents have averred that in order to settle the claim of compensation set up by the petitioners, they had been asked to submit documents like copy of the FIR, copy of the

postmortem report, copy of the ration card, income certificate of the deceased, date of birth of the deceased etc. but all these documents were not supplied rather the present petition has been filed.

Learned counsel for the petitioners has submitted that the Supreme Court, in its decision rendered in *“M.P. Electricity Board Vs. Shail Kumari”* (2002) 2 SCC 162 has held that the respondents would be liable to pay compensation irrespective of any negligence on the part of the petitioner. It is further submitted that the compensation has to be paid on the principles, laid down in the Motor Vehicles Act, 1988 as held by the Division Bench of this Court in *“Paramjit Kaur vs. State of Punjab”* 2008(4) RCR (Civil) 772.

After hearing learned counsel for the parties and perusal of the record, I am of the considered opinion that the petitioners are entitled to compensation because it has come on record that the death has been caused due to electric shock which is evident from the report of the medical officer dated 29.12.2015 who has opined about the cause of death on the application filed by the Investigating Officer in DR No.34 date 26.6.2015 and in view of the decision of the Supreme Court rendered in the Case of *Shail Kumari (Supra)*, the liability is of the respondents to pay the compensation. The writ petition is thus hereby disposed of with a direction to the respondents to award compensation to the petitioners by applying the formula, being applied by the MACT, in case of death, by assessing the income of the deceased applying the multiplier in accordance with the age of the deceased and after deducting 1/3rd of the income as expenditure to be incurred by the

deceased on himself. The needful shall be done by the respondents for determining the compensation and its payment to the petitioners within a period of three months from the date of receipt of certified copy of this order.

18.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*